be held in the Judiciary Committee room, 346 House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1340. A communication from the President of the United States, transmitting the budget for the Office of Scientific Research and Development for the fiscal year 1947, consisting of an estimate of appropriation of $597,000 and proposed provisions pertaining thereto (H. Doc. No. 619); to the Committee on Appropriations and ordered to be printed.

1341. A communication from the President of the United States, transmitting the budget for the Office of War Mobilization and Reconversion for the fiscal year 1947 in the amount of $900,000 (H. Doc. No. 620); to the Committee on Appropriations and ordered to be printed.

1342. A communication from the President of the United States, transmitting the budget for the Office of Defense Transportation for the fiscal year 1947, containing estimates of appropriation amounting to $525,000 (H. Doc. No. 621); to the Committee on Appropriations and ordered to be printed.

1343. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill, to further amend the act of January 16, 1936, as amended, entitled "An act to provide for the retirement and retirement annuities of civilian members of the teaching staff at the United States Naval Academy and the Postgraduate School, United States Naval Academy"; to the Committee on Naval Affairs.

1344. A letter from the Attorney General, transmitting a draft of a proposed bill, to make criminally liable persons who negligently allow prisoners in their custody to escape; to the Committee on the Judiciary.

1345. A letter from the Acting Postmaster General, transmitting a draft of a proposed bill for the relief of certain postmasters; to the Committee on Claims.

1346. A letter from Archivist of the United States, transmitting report on records proposed for disposal by various Government agencies; to the Committee on the Disposition of Executive Papers.

1347. A letter from the Attorney General, transmitting the report on the activities of the Department of Justice for the fiscal year ending June 30, 1945; to the Committee on the Judiciary.

1348. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 8, 1946, submitting a report, together with accompanying papers and illustrations, on a preliminary examination and survey of the Potomac River and tributaries, Maryland, Virginia, West Virginia, and Pennsylvania, including the North Branch of the Potomac River and its tributaries in the vicinity of Keyser, W. Va., authorized by the Flood Control Acts approved on June 22, 1936, and August 28, 1937, and an act of Congress approved on May 5, 1936 (H. Doc. No. 622); to the Committee on Flood Control and ordered to be printed with four illustrations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WHITTINGTON:

H. R. 6597. A bill authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes; to the Committee on Flood Control.

By Mr. WASIELEWSKI:

H. R. 6598. A bill to provide relief from tax on income to be paid or permanently set aside or used exclusively for religious, charitable, or educational purposes; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANNON of Florida:

H. R. 6599. A bill for the relief of Samuel H. McLean; to the Committee on Claims.

By Mr. SASSCER:

H. R. 6600. A bill for the relief of J. Frank Tongue; to the Committe on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1918. By the SPEAKER: Petition of the committee for Tennessee of the Southern Conference for Human Welfare, petitioning consideration of their resolution with reference to support of continued effective price control; to the Committee on Banking and Currency.

1919. Also, petition of the Association of Higher Education of West Virginia, petitioning consideration of their resolution with reference to request for exemption from Federal income taxes all retirement allowances, from whatever source, to the amount of $1,440 per annum; to the Committee on Ways and Means.

1920. Also, petition of the Commissioners Court of Kinney County, Tex., petitioning consideration of their resolution with reference to the purchase of the Fort Clark Military Reservation; to the Committee on Expenditures in the Executive Departments.

SENATE

WEDNESDAY, MAY 29, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Rev. Bernard Braskamp, D. D., pastor of the Gunton-Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

God of all goodness, in this moment of communion with Thee, may our groping and faltering spirits be brought under the sway and spell of Thy Spirit to be transformed and touched to finer issues.

May the chosen representatives of our Republic unto whom Thou hast given the high vocation of statesmanship in the affairs of government come to the sacrament of public service richly endowed with the grace of insight, the gift of interpretation, and the sinews of moral and spiritual strength.

Inspire us with lofty desires. Make us victorious over those devastating moods which would eclipse our faith and undermine our confidence in the ultimate triumph of truth and righteousness. Emancipate us from fear and all cynical tempers of mind and heart. Lead us out of our night of darkness and confusion into a new day of light and joy, assured that where Thou dost guide Thou wilt also provide.

Hear us in the name of the Captain of our salvation. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, May 28, 1946, was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Mr. YOUNG. Mr. President, I ask unanimous consent to be excused from attendance on the Senate for an indefinite period to take care of some problems in my State.

The PRESIDENT pro tempore. Without objection, leave is granted.

Mr. TAYLOR. Mr. President, I have never asked to be absent from the Senate, but I have some important matters which require my attention in the State of Idaho. They cannot be postponed or I would not make this request. I ask leave of the Senate to be absent until June 11. I shall try to return if I possibly can before that date.

The PRESIDENT pro tempore. Without objection, leave is granted.

OMNIBUS RIVERS AND HARBORS BILL—NOTICE OF HEARINGS

Mr. OVERTON. Mr. President, I desire to give notice that the Senate Committee on Commerce will hold hearings in its committee room on the so-called omnibus rivers and harbors bill, being the bill (H. R. 6407) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, starting Monday, June 10, 1946. The hearings will begin at 10:30 a. m. each day, and will probably be concluded within 3 days.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts:

On May 24, 1946:

S. 1415. An act to increase the rates of compensation of officers and employees of the Federal Government, and for other purposes.

On May 28, 1946:

S. 203. An act for the relief of Margery Anderson Bridges;

S. 875. An act for the relief of Mercy Duke Boehl;

S. 1201. An act for the relief of Arthur F. Downs; and

S. 1916. An act to authorize the Secretary of State to transfer certain silver candelabra to May Morgan Beal.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. Carter Glass, late a Senator from the State of Virginia.

The message announced that the House had passed a bill and joint resolution, in which it requested the concurrence of the Senate, as follows:

H. R. 6265. An act to create a Department of Corrections in the District of Columbia; and

H. J. Res. 360. Joint resolution to provide for United States participation in the Phil-

ippine independence ceremonies on July 4, 1946.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 7) to improve the administration of justice by prescribing fair administrative procedure, and it was signed by the President pro tempore.

COMMITTEE TO ATTEND THE FUNERAL OF THE LATE SENATOR GLASS, OF VIRGINIA

The PRESIDENT pro tempore. Under authority of Senate Resolution 273, the Chair appoints as members of the committee to attend the funeral of the late Senator from Virginia, Mr. Glass, the Senator from Virginia [Mr. BYRD], the Senator from Kentucky [Mr. BARKLEY], the Senator from Maine [Mr. WHITE], the Senator from Tennessee [Mr. MCKELLAR], the Senator from New Mexico [Mr. HATCH], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Montana [Mr. WHEELER], the Senator from New Hampshire [Mr. BRIDGES], the Senator from New York [Mr. WAGNER], the Senator from Georgia [Mr. RUSSELL], the Senator from Minnesota [Mr. SHIPSTEAD], and the Senator from Nebraska [Mr. WHERRY].

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

FOREIGN SERVICE BUILDINGS PROGRAM

A letter from the Acting Secretary of State, transmitting a draft of proposed legislation for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America (with an accompanying paper); to the Committee on Foreign Relations.

REPORT OF DEPARTMENT OF JUSTICE

A letter from the Attorney General, transmitting, pursuant to law, a report on the activities of the Department of Justice for the fiscal year ended June 30, 1945 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON ACTIVITIES OF SMALLER WAR PLANTS CORPORATION

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the activities of the Department of Commerce relating to functions previously carried out by the Smaller War Plants Corporation and transferred to the Department of Commerce for the months of February and March 1946 (with accompanying papers); to the Committee on Banking and Currency.

DISPOSITION OF EXECUTIVE PAPERS

Two letters from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

PETITION

The PRESIDENT pro tempore laid before the Senate a copy of a concurrent resolution of the Legislature of the Territory of Hawaii, favoring an appropriation to complete the improvements of the harbor and port of Hilo, T. H., which was referred to the Committee on Territories and Insular Affairs.

MAINTENANCE OF CONFIDENCE IN THE GOVERNMENT

Mr. CAPPER. Mr. President, I have received a telegram from Senator Roy Bailey, chairman of the National Affairs Committee, of the Salina (Kans.) Chamber of Commerce, asking that action be taken in Washington for the purpose of maintaining confidence in Government and respect for it at home and abroad. I ask unanimous consent to have the telegram printed in the RECORD and appropriately referred.

There being no objection, the telegram was received, ordered to lie on the table, and to be printed in the RECORD, as follows:

SALINA, KANS., *May 25, 1946.*

Senator ARTHUR CAPPER,
Senate Office Building,
Washington, D. C.:

In order to establish domestic tranquillity and justice, promote the general welfare, and preserve the blessings of liberty for ourselves and our children, we urge you to do everything in your power to end the virtual anarchy that exists in the United States today. We do not believe that any individual or groups of individuals should dictate to the Government, and for these reasons, and because they are rights guaranteed by the Constitution, we are convinced that immediate action is needed to maintain confidence in the Government itself and respect for it at home and abroad.

SALINA CHAMBER OF COMMERCE
NATIONAL AFFAIRS COMMITTEE,
ROY F. BAILEY, *Chairman.*

EXPORTATION OF WHEAT TO MEXICO

Mr. CAPPER. Mr. President, I have received an interesting telegram from B. K. Smoot, a leading businessman of Salina, Kans., with regard to the shipment of wheat to Texas for export to Mexico. I think the telegram is of public interest, and I ask unanimous consent to have it printed in the RECORD and appropriately referred.

There being no objection, the telegram was received, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

SALINA, KANS., *May 22, 1946.*

Senator ARTHUR CAPPER,
Washington, D. C.:

Our elevator and other elevators Kansas City are loading wheat on instructions CCC to go El Paso and Brownsville, Tex., for export to Mexico. This grain acquired by CCC under confiscation and bonus program presumably for starving Europeans. The sale is reported 30 cents over ceiling prices with Lathrop Grain Co. acting as agent of Mexican Government. Lathrop was director of Kansas City office of CCC at time stocks of grain in hands of grain dealers and millers was confiscated. How can the American public be expected to respect ceiling prices when our Government continually violates ceilings by bonus payments and sales exceeding ceilings? Please let us end the war officially, abolish all ceilings, bonuses, subsidies, and get to work.

B. K. SMOOT.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. O'MAHONEY, from the Committee on Public Lands and Surveys:

S. 1236. A bill to promote the development of oil and gas on the public domain and on lands acquired for the Appalachian National Forest, and for other purposes; with amendments (Rept. No. 1392).

By Mr. TYDINGS, from the Committee on Territories and Insular Affairs:

S. 2254. A bill to provide military assistance to the Republic of the Philippines in establishing and maintaining national security and to form a basis for participation by that government in such defensive military operations as the future may require; without amendment (Rept. No. 1393); and

H. R. 5453. A bill to authorize certain expenditures by the Alaska Railroad, and for other purposes; without amendment (Rept. No. 1394).

By Mr. MCCARRAN, from the Committee on the Judiciary:

H. R. 2788. A bill to limit the time during which certain actions under the laws of the United States may be brought; with an amendment (Rept. No. 1395).

By Mr. WALSH, from the Committee on Naval Affairs:

S. 2133. A bill to amend further the Pay Readjustment Act of 1942, as amended; with amendments (Rept. No. 1396); and

S. 2246. A bill to authorize the Secretary of the Navy to acquire in fee or otherwise certain lands and rights in land on the island of Guam, and for other purposes; with an amendment (Rept. No. 1397).

PRODUCTION, TRANSPORTATION, AND MARKETING OF WOOL (REPT. NO. 1398)

Mr. O'MAHONEY. Mr. President, from the Special Committee to Investigate Production, Transportation, and Marketing of Wool, I ask unanimous consent to report favorably with an amendment the bill (S. 2033) to provide support for wool, to amend the Agricultural Marketing Agreement Act of 1937 by including wool as a commodity to which orders under such act are applicable, to authorize the Secretary of Agriculture to fix wool standards, and for other purposes. Under the agreement at the time of the introduction of the bill, I request that it be referred to the Committee on Agriculture and Forestry.

The PRESIDENT pro tempore. Without objection, the bill will be received and referred to the Committee on Agriculture and Forestry as requested by the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, I ask unanimous consent to submit individual views of my colleagues, the junior Senator from Wyoming [Mr. ROBERTSON] and the Senator from Massachusetts [Mr. WALSH], respectively.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MEAD:

S. 2258. A bill for the relief of the estate of Mrs. Charles Bath, and others; to the Committee on Claims.

By Mr. TYDINGS:

S. 2259. A bill to amend the Philippine Rehabilitation Act of 1946, for the purpose of making a clerical correction; to the Committee on Territories and Insular Affairs.

By Mr. GEORGE:

S. 2260. A bill for the relief of Roy M. Davidson; to the Committee on Claims.

S. 2261. A bill authorizing the appointment and retirement of Glenwood L. Cook as a lieutenant (junior grade) in the United States Navy; to the Committee on Naval Affairs.

By Mr. O'MAHONEY (by request):

S. 2262. A bill restoring to tribal ownership certain undisposed of surplus lands of the Klamath River Reservation, Calif.; and

S. 2263. A bill for the relief of Milton A. Johnson, and for other purposes; to the Committee on Indian Affairs.

By Mr. McCARRAN:

S. 2264. A bill to amend the act providing for the appointment of court reporters; and

S. 2265. A bill to make criminally liable persons who negligently allow prisoners in their custody to escape; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 2266. A bill to exclude from the Olympic National Park certain privately owned lands which were added thereto by Executive action; to the Committee on Public Lands and Surveys.

By Mr. SHIPSTEAD:

S. 2267. A bill for the relief of Merchants Motor Freight; to the Committee on Claims.

By Mr. WALSH:

S. 2268. A bill for the relief of William Hugh Murphy; to the Committee on Naval Affairs.

S. 2269. A bill to provide for making certain War Department articles and equipment available for use at the convention of the Veterans of Foreign Wars to be held in Boston, Mass., in September 1946; to the Committee on Military Affairs.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY—AMENDMENTS

Mr. WILSON submitted an amendment and Mr. EASTLAND submitted amendments intended to be proposed by them, respectively, to the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace, which were ordered to lie on the table and to be printed.

EXTENSION OF SELECTIVE TRAINING AND SERVICE ACT—AMENDMENTS

Mr. JOHNSON of Colorado submitted an amendment intended to be proposed by him to the bill (S. 2057) to extend the Selective Training and Service Act of 1940, as amended, until May 15, 1947, and for other purposes, which was ordered to lie on the table and to be printed.

Mr. JOHNSON of Colorado (for himself and Mr. LA FOLLETTE) submitted an amendment intended to be proposed by them, jointly, to the bill (S. 2057) to extend the Selective Training and Service Act of 1940, as amended, until May 15, 1947, and for other purposes, which was ordered to lie on the table and to be printed.

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by their titles and referred, as indicated:

H. R. 6265. An act to create a Department of Corrections in the District of Columbia; to the Committee on the District of Columbia.

H. J. Res. 360. Joint resolution to provide for United States participation in the Philippine independence ceremonies on July 4, 1946; to the Committee on Territories and Insular Affairs.

INVESTIGATION OF CAUSES OF DISPUTES BETWEEN LABOR AND MANAGEMENT

Mr. KILGORE submitted the following concurrent resolution (S. Con. Res. 63), which was referred to the Committee on Education and Labor:

Resolved by the Senate (the House of Representatives concurring), That there is hereby established a joint committee to be composed of seven Members of the Senate, to be appointed by the President of the Senate, and seven Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. The committee shall select a chairman and a vice chairman from among its members.

SEC. 2. The committee shall make a thorough study and investigation into the causes of disputes between labor and management, including union and employer policies and practices, economic and other factors, Government policies, present and proposed legislation affecting such disputes, and the measures by which such disputes may be minimized or eliminated in order to safeguard the public interest, including particularly, voluntary and cooperative measures between labor and management which can be promoted or facilitated by the Federal Government.

The committee shall have power to report to the Senate and the House of Representatives, through the Members of the respective Houses, such recommendations as it may deem wise and adequate to carry out the purposes of this concurrent resolution.

SEC. 3. (a) The committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Seventy-ninth Congress, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words.

(b) The committee is empowered to appoint and fix the compensations of such experts, consultants, and clerical and stenographic assistants as it deems necessary, but the compensation so fixed shall not exceed the compensation prescribed under the Classification Act of 1923, as amended, for comparable duties. The committee shall file its report within 6 months from the time of its appointment.

(c) The expenses of the committee, which shall not exceed $50,000, shall be paid for in equal amounts from the contingent funds of the Senate and House of Representatives, respectively, and be disbursed by the Secretary of the Senate on voucher signed by the chairman or vice chairman.

REORGANIZATION OF GOVERNMENTAL AGENCIES—PLAN NO. 1

Mr. McCARRAN submitted the following concurrent resolution (S. Con. Res. 64), which was referred to the Committee on the Judiciary:

Resolved by the Senate (the House of Representatives concurring), That the Congress does not favor the reorganization plan No. 1 transmitted to Congress by the President on May 16, 1946.

REORGANIZATION OF GOVERNMENTAL AGENCIES—PLAN NO. 2

Mr. McCARRAN submitted the following concurrent resolution (S. Con. Res. 65), which was referred to the Committee on the Judiciary:

Resolved by the Senate (the House of Representatives concurring), That the Congress does not favor the reorganization plan No. 2 transmitted to Congress by the President on May 16, 1946.

REORGANIZATION OF GOVERNMENTAL AGENCIES—PLAN NO. 3

Mr. McCARRAN submitted the following concurrent resolution (S. Con. Res. 66), which was referred to the Committee on the Judiciary:

Resolved by the Senate (the House of Representatives concurring), That the Congress does not favor the reorganization plan No. 3 transmitted to Congress by the President on May 16, 1946.

AMENDMENT OF THE RULE RELATING TO DEBATE

Mr. FULBRIGHT submitted the following resolution (S. Res. 274), which was referred to the Committee on Rules:

Resolved, That rule XIX of the standing rules of the Senate is amended by adding at the end thereof the following:

"7. It shall be in order at any time during the consideration of any measure or question for a Senator to submit in writing a motion to limit debate upon such measure or question, and upon amendments and motions relating thereto. The motion shall state the terms and conditions of the proposed limitation, and shall not be subject to amendment. The motion and any point of order or other question relating thereto shall be decided without debate. If the motion shall be decided in the affirmative by 90 percent of the Senators voting, further debate upon the measure or question under consideration, and amendments and motions relating thereto, shall be limited in accordance with the motion, and no amendment not germane to such measure or question shall be in order."

COMMENCEMENT ADDRESS BY SENATOR KILGORE AT WEST VIRGINIA WESLEYAN COLLEGE

[Mr. HILL asked and obtained leave to have printed in the RECORD the commencement address delivered by Senator KILGORE at West Virginia Wesleyan College, on May 27, 1946, which appears in the Appendix.]

AMERICAN-TYPE LEGISLATION TO ANTIDOTE COLLECTIVIST EVILS—STATEMENT BY SENATOR WILEY

[Mr. WILEY asked and obtained leave to have printed in the RECORD a statement prepared by him, entitled "American-Type Legislation To Antidote Collectivist Evils," which appears in the Appendix.]

OFFICE MORALE—ARTICLE BY SENATOR WILEY

[Mr. WILEY asked and obtained leave to have printed in the RECORD an article entitled "Is Your's a Happy Office?" written by him and published in the May 1946 issue of the magazine Office Management and Equipment, which appears in the Appendix.]

ADDRESS BY SENATOR MEAD BEFORE ASSOCIATION OF FRATERNAL AND BENEVOLENT ORGANIZATIONS OF THE AMERICAN JEWISH CONGRESS

[Mr. MEAD asked and obtained leave to have printed in the RECORD an address delivered by him on May 26, 1946, at a dinner of the Association of Fraternal and Benevolent Organizations of the American Jewish Congress, tendered to Dr. Stephen S. Wise on his seventy-second birthday, which appears in the Appendix.]

PALESTINE: SOLE SALVATION OF 100,000—ADDRESS BY HON. HENRY MORGENTHAU, JR.

[Mr. MEAD asked and obtained leave to have printed in the RECORD a radio address entitled "Palestine: Sole Salvation of 100,000," delivered by Hon. Henry Morgenthau, Jr., former Secretary of the Treasury, on May 22, 1946, which appears in the Appendix.]

MORITURI SALUTAMUS—POEM BY RT. REV. JOHN J. NASH

[Mr. MEAD asked and obtained leave to have printed in the RECORD a poem entitled "Morituri Salutamus" written by Rt. Rev. John J. Nash, pastor of the Holy Family Church at Buffalo, N. Y., which appears in the Appendix.]

SETTLEMENT OF STRIKES—EDITORIALS FROM THE PHILADELPHIA RECORD

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD two editorials from the Philadelphia Record of May 27, 1946, the first entitled "After We Have All Calmed Down," and the second entitled "Congress Can't Stop Strikes by Goading Labor Into Them," which appear in the Appendix.]

DRAFTING STRIKERS—EDITORIAL FROM THE WASHINGTON POST

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an editorial entitled "Drafting Strikers," published in the Washington Post of May 29, 1946, which appears in the Appendix.]

INCREASED EFFICIENCY IN THE LEGISLATIVE BRANCH—EDITORIAL FROM THE WASHINGTON POST

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an editorial entitled "S. 2177," published in the Washington Post of May 19, 1946, which appears in the Appendix.]

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

The Senate resumed consideration of the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency, for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment on page 5, line 2, to strike out the word "lock-out".

Mr. WAGNER obtained the floor.

Mr. PEPPER. Mr. President, will the Senator yield to me to suggest the absence of a quorum? The Senator is about to address himself to matters of merit in connection with the bill which is before the Senate, and I think there ought to be a quorum present.

Mr. WAGNER. It all depends upon whether I would thereby lose the floor.

Mr. PEPPER. A quorum not having been called at the beginning of the session, if the Senator will yield, I ask unanimous consent that a quorum may be called without the Senator from New York losing the floor.

The PRESIDENT pro tempore. Does the Senator from New York yield for that purpose?

Mr. WAGNER. I yield for that purpose.

The PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hawkes	Pepper
Andrews	Hayden	Radcliffe
Austin	Hickenlooper	Reed
Ball	Hill	Revercomb
Barkley	Hoey	Robertson
Brewster	Huffman	Russell
Bridges	Johnson, Colo.	Saltonstall
Briggs	Johnston, S. C.	Shipstead
Brooks	Kilgore	Smith
Buck	Knowland	Stanfill
Bushfield	La Follette	Stewart
Butler	Langer	Taft
Byrd	Lucas	Taylor
Capehart	McCarran	Thomas, Okla.
Capper	McFarland	Thomas, Utah
Connally	McKellar	Tobey
Cordon	McMahon	Tunnell
Donnell	Magnuson	Tydings
Downey	Maybank	Vandenberg
Eastland	Mead	Wagner
Ellender	Millikin	Walsh
Ferguson	Mitchell	Wheeler
Fulbright	Moore	Wherry
George	Morse	White
Gerry	Murdock	Wiley
Green	Murray	Willis
Guffey	Myers	Wilson
Gurney	O'Daniel	Young
Hart	O'Mahoney	
Hatch	Overton	

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], the Senator from Idaho [Mr. GOSSETT], and the Senator from Arkansas [Mr. MCCLELLAN] are absent by leave of the Senate.

The Senator from New Mexico [Mr. CHAVEZ] is detained on public business.

The PRESIDENT pro tempore. Eighty-eight Senators having answered to their names, a quorum is present.

Mr. BARKLEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Kentucky?

Mr. WAGNER. I yield.

Mr. BARKLEY. In view of the situation existing in the Senate with reference to the pending bill, it seems to me desirable that we vote today on the motion, which either has been made or will be made, I understand, to strike section 7 from the bill, and that we limit debate during the further consideration of the bill, with a possibility of eliminating a night session tonight and possibly eliminating a session tomorrow. With that in view, I ask unanimous consent that the Senate proceed to vote at not later than 5 o'clock p. m. today on any motion or amendment striking out section 7 of the bill.

The PRESIDENT pro tempore. Is there objection?

Mr. VANDENBERG. Mr. President, I have no objection, but I suggest to the Senator that in view of the parliamentary ruling made Monday night, the Senator will have to include some provision for permission to submit a motion to strike out section 7.

Mr. BARKLEY. Of course, I think that motion really has been made. But in any event it will be made.

The PRESIDENT pro tempore. Is there objection?

Mr. BREWSTER. Mr. President, reserving the right to object, and I do not intend to, what does the majority leader contemplate as to the division of time?

Mr. BARKLEY. I have not included that, but I am perfectly willing to provide that there shall be an equal division of time, half of it to be controlled by me, I suppose, as the author of the bill, and the other half to be controlled by whoever the opponents may wish to control it, the Senator from Florida [Mr. PEPPER] or the Senator from Ohio [Mr. TAFT], I do not care which.

Mr. BREWSTER. It is intended, I presume, that the Senator from Colorado [Mr. MILLIKIN] will discuss——

Mr. BARKLEY. Or the Senator from Colorado; I do not care who controls the time on the other side.

Mr. LUCAS. Mr. President, will the Senator yield to me before the question is put?

Mr. BARKLEY. I yield.

Mr. LUCAS. I should like to say that I think up to this point no Senator has spoken in behalf of the President's position. The speeches have been made by those who are apparently opposed to section 7.

Mr. BARKLEY. I will guarantee to the Senator that if I control the time under this arrangement he will have time allotted to him for the purpose of discussing it, and that other Senators will have time, so far as it is possible to allot it.

Mr. LUCAS. I thank the Senator.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MILLIKIN. Has the Senator from Kentucky any objection to giving control over the time to be allotted to Senators opposed to section 7 to the Senator from Ohio [Mr. TAFT]?

Mr. BARKLEY. No; I said I would suggest the Senator from Ohio or the Senator from Florida.

The PRESIDENT pro tempore. Will the Senator from Kentucky restate his unanimous-consent request?

Mr. BARKLEY. I ask unanimous consent that at not later than 5 p. m. today the Senate proceed to vote on the amendment striking out section 7 of the bill, and that the time from now on until then be equally divided between the opponents and proponents of that amendment, the time of Senators opposed to the amendment to be controlled by the Senator from Kentucky, and the time of Senators in favor of the amendment to be controlled by the Senator from Ohio [Mr. TAFT].

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MILLIKIN. Have we disposed of the committee amendments?

Mr. BARKLEY. No. I was going to ask unanimous consent, if this agreement is made, that the order with reference to committee amendments be vacated, so that we may devote our entire time to this one subject, if we so desire.

Mr. MILLIKIN. There are two committee amendments in section 7, which have to be acted on.

Mr. BARKLEY. That is all a part of section 7.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request of the Senator from Kentucky? The Chair hears none, and the agreement is entered into.

Mr. BARKLEY. I ask unanimous consent that following the disposition of the matter involving section 7, and during the further consideration of the bill, no Senator shall speak more than once or longer than 30 minutes on the bill or on any amendment thereto.

The PRESIDENT pro tempore. Is there objection?

Mr. TAFT. Reserving the right to object; is that with the understanding there will be no meeting tomorrow?

Mr. BARKLEY. Yes.

Mr. TAFT. And no meeting this evening?

Mr. BARKLEY. And no meeting this evening.

Mr. TAFT. I have no objection.

Mr. PEPPER. Mr. President, what was the last request made by the Senator?

Mr. BARKLEY. The last request is that after the disposition of this matter at 5 o'clock, or sooner if it is disposed of, during the further consideration of the bill no Senator shall speak more than once or longer than 30 minutes on the bill or any amendment thereto.

Mr. PEPPER. With the understanding there will be no night session tonight and no meeting tomorrow?

Mr. BARKLEY. That is true.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and, without objection, it is so ordered.

Mr. BARKLEY. Mr. President, in view of the fact that yesterday privately I advised all Senators who inquired that under the circumstances I thought we would have to have a session tomorrow, I wish to nullify that advice now, in view of the action just taken.

Mr. TAFT. Mr. President, will the Senator ask further unanimous consent that the Senator from Colorado [Mr. MILLIKIN] may call up his amendment dealing with section 7, in spite of the fact that the committee amendments have not been disposed of?

Mr. BARKLEY. It may be possible to agree to this committee amendment so as to dispose of that, because it only adds the words "and shall serve in." It is a technical amendment.

Mr. TAFT. There are other committee amendments. One deals with the date, and that amendment is rather important.

Mr. BARKLEY. I see that section 7 does contain another amendment at the end of the section.

Mr. TAFT. Would it not be easier simply to have unanimous consent to submit the amendment and consider it?

Mr. BARKLEY. I do not understand what the Senator's amendment to section 7 is? It has not yet been offered.

Mr. TAFT. It lies on the desks of Senators. It is simply to strike out section 7.

Mr. BARKLEY. I do not care to have any unanimous-consent agreement as to who shall move to strike out section 7. I think that is a matter for Senators who obtain the floor to act upon.

Mr. LA FOLLETTE. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LA FOLLETTE. Did not the unanimous-consent agreement provide for the suspension of the rule so far as committee amendments were concerned, so that the motion to strike section 7 could now be considered?

The PRESIDENT pro tempore. It did.

Mr. LA FOLLETTE. I understood that had been included in the unanimous-consent agreement.

Mr. BARKLEY. Yes. I asked that the order previously made for considering committee amendments first be vacated.

Mr. LA FOLLETTE. I understood that to be a part of the unanimous-consent agreement; so it is now in order for any Senator to move to strike section 7 from the bill.

Mr. MILLIKIN and Mr. PEPPER addressed the chair.

The PRESIDENT pro tempore. Does the Senator from Kentucky yield, and if so to whom?

Mr. BARKLEY. The Senator from New York [Mr. WAGNER] has the floor.

Mr. MILLIKIN. Mr. President, will the Senator from New York yield to me?

Mr. WAGNER. I wish to say that when I finish my statement I propose to make a motion to strike section 7 from the bill.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. MILLIKIN. There is already pending an amendment, sponsored by me, to accomplish that purpose.

Mr. BARKLEY. That statement is not quite correct.

The PRESIDENT pro tempore. The Senator's amendment was ordered to be printed and to lie on the table.

Mr. BARKLEY. That is not the pending question at the moment, because the amendment could not be offered, although sent to the desk and ordered to lie on the table and to be printed for the information of the Senate, until the committee amendment now pending is disposed of.

Mr. MILLIKIN. I understand that. I was going to move that my amendment receive consideration at the present time as the pending business.

The PRESIDENT pro tempore. Does the Senator from New York yield for that purpose?

Mr. WAGNER. I yield for no purpose now. I desire to proceed.

The PRESIDENT pro tempore. The Senator from New York declines to yield.

Mr. WAGNER. Mr. President, the railway strike is over. The mine dispute, I believe, is well on the way to settlement. We may now examine legislative proposals with calmness and deliberation. These qualities the Senate of the United States should display at all times—although it was more difficult to display them when we were facing the prospect of a paralyzing railroad strike.

My sympathy and confidence have been with President Truman during these trying times while he has been following his conscience in exercising the enormous responsibilities of his office. Nothing that has happened has shaken in the slightest my attitude of loyalty and friendship toward the President. I am sure that nothing will.

I have the same feeling of loyalty and friendship for the majority leader, the distinguished Senator from Kentucky [Mr. BARKLEY].

But Members of the Congress, as well as the President, must follow the promptings of their own conscience and the lessons of their own experience. And when I attempt earnestly to do this, I cannot bring myself to support the bill now before this body.

I, therefore, intend to vote against it, unless it is modified by amendment so substantially that it comes to bear little resemblance to its present form.

America has come through a life or death war with certain precious heritages intact. Even during the war, while we trusted great powers to the President, we retained that fundamental balance between the Congress and the Chief Executive which is a part of our system. Even during the war, while necessary restraints and unusual obligations were placed upon both industry and labor, we preserved the fundamental liberties of both. We did not even pass a National Service Act, much less force individuals to work, "or else." Even during the war, we did not resort to Government by injunction rather than through more measured procedures. Even during the war, we did not throw the weight of Government heavily on the side of either industry or labor, in the disputes between them arising out of their relationship. Even during the war, we zealously preserved certain rights of workers, which through long tradition have become inseparable from their rights as Americans. In consequence, we came through the war with our democracy not only intact, but strengthened and purified through its vindication in time of mortal peril.

The essence of my objection to the pending bill is this: I cannot believe that, 9 months after the war, we need to do things which are so drastic and unprecedented that we did not do them even during the war.

It is true that last week there was a railroad strike having far-reaching consequences. I can well understand the public consternation which it caused. I can well understand the firmness and decision with which the President dealt with that strike. But the fact remains that, under existing law, the President was able to seize the railroads. He did so. The fact remains that, under existing law, the overwhelming force of public opinion was marshaled against the strike. The fact remains that existing law and the force of public opinion were enough to end the railroad strike in about 2 days.

Two days is a long time when the railroads are not running. But 2 days of a general railroad strike, after many decades without a general railroad strike, is not enough to justify discarding the whole philosophy and system which have produced these decades of harmonious operations. A railroad strike

of 2 days' duration is not enough to justify embarking upon an entirely new approach, which gives every prospect of doing much harm and little good.

If the pending bill was drawn well before the railroad strike took place, then I say that it was formulated without testing our capacity to meet the situation under existing law. If, on the other hand, the pending bill was formulated after the railroad strike became a certainty, then I say that it was drawn up in a spirit of haste and excitement, at a time when the wisest counsels could not prevail.

Now that the railroad strike is over—and there is no prospect of its resumption—there is no room for hysteria, and there is ample opportunity for calmness and deliberation. Above all, there is now time to gain perspective. And on this matter of perspective, let me begin by emphasizing one outstanding fact.

In 1935 the National Labor Relations Act became law. Since then one criticism of this act has exceeded all others. One proposal to improve this act has almost taken on the character of a panacea. This proposal has been that the National Labor Relations Act should be amended, so as to be the same as the Railway Labor Act.

Some have said that the National Labor Relations Act was one-sided, and that the Railway Labor Act was fair. Some have said that the National Labor Relations Act promoted discord, and that the Railroad Labor Act promoted peace. Some have said that the National Labor Relations Act was based upon bias, and that the Railway Labor Act was based upon sound experience. Many people said, "Conform the National Labor Relations Act to the Railway Labor Act, and all will be well."

And now we have just encountered a country-wide railroad strike—a strike of workers who have never been under the National Labor Relations Act—a strike of workers who since 1926 have been under the terms of the Railway Labor Act.

What could be clearer proof, what could be a clearer warning—that easy remedies are not to be found for industrial disagreements in a democracy?

I do not propose to burden the Senate with a detailed analysis of all the legislative proposals which have recently been clamoring for attention. Their very number, their very inconsistency one with another, should give us pause, if we are acting with the steadiness which the situation demands.

But let me briefly run through some of the proposals recently written into the Case bill. Let me indicate how unrelated they are to the situation on the railroads and in the mines.

There is the proposal to outlaw secondary boycotts, but neither the coal nor the railway dispute involves any secondary boycott whatsoever.

There is the proposal for civil suits against unions for breach of collective-bargaining agreements, but the mine and railroad disputes have not involved breach of any agreement.

There is the proposal to amend the Federal antiracketeering law by prohibiting robbery or extortion of property in interstate commerce. This is unrelated to the rail or coal disputes.

There is the proposal for a 60-day cooling-off period, but, so far as railway labor is concerned, a waiting period has been the law of the land for many years.

There is the proposal to approve or disapprove various types of employee-benefit plans. This is an issue in the coal dispute, but it was not an issue in the railway strike. It was not an issue in a single one of the other large strikes which have occurred from time to time during the past 10 years.

There is the proposal to discourage unionization by supervisory employees, but this issue had nothing to do with the railroad dispute, and it was evidently not the main issue in the coal dispute.

So much for the proposals that the Senate has just finished writing into the Case bill. Now, what about some of the other proposals that have been offered recently for our attention—apart from the pending bill?

There are proposals for Government seizure of struck plants, but the Government seized the railroads and the mines under existing law. Moreover, under the Smith-Connally Act, the most stringent penalties already prevail, but are of no avail.

There are proposals for union incorporation and registration—as if such legalistic formula can mine coal or run trains.

There are proposals for annual elections and financial reports by unions. Can we stop or shorten current stoppages by holding an election next month or next January?

There are proposals to deal with unauthorized strikes. Whatever else may be said, neither the railroad strike nor the mine dispute has been unauthorized by the men. In fact, the mine strike was called after due notice in strict conformity with the Smith-Connally law. All the mediation machinery of the Railway Labor Act was exhausted before the railroad strike was called.

There are proposals to prohibit political contributions by labor unions—but this has no bearing on the mine dispute or the railroad strike.

There are proposals to curb violence in labor disputes—but there was no claim of violence in either the mine dispute or the railroad strike.

When we view calmly the proposals which the Senate has had before it during the past few weeks, we see that they are mostly irrelevant to the recent disputes which have caused the current crisis. Is it not sensible, therefore, to examine whether the pending bill does not suffer from the same defects and deficiencies?

Is the present bill the product of excitement, or is it the logical outgrowth of sound experience? To appraise the present bill, it is necessary first of all to discuss two diametrically opposed approaches to the whole problem of industrial strife.

One approach is to say that all differences between big employers and big unions should be settled by the force of Government decision. This would mean, in the final analysis, that the Government would assume responsibility for every term of the labor contract in every current dispute. The difficulty of drafting and redrafting the Byrd amendment to the Case bill shows the problems we encounter in trying to write a labor contract on the floor of the Senate. That tendency would end in Government control or ownership of all of our major industries. I assume that every Member of the Senate is against that course.

The second main approach is to encourage employers and workers to settle their differences by collective bargaining. It is obvious that there can be no collective bargaining without the right to strike, because without that right labor has no bargaining force. Everyone in this body has subscribed, at one time or another, to this fundamental American principle. It is the way of democracy.

This democratic way means strikes from time to time, especially in a post-war period of conversion and adjustment. There are certain definite things which must be done in the public interest when such strikes occur or are threatened.

First. Public authority must be used to protect against violence. There is no danger or threat of violence now, and in my judgment there is ample law to protect against it.

Second. Public authority must be available to offer mediation or conciliation, in helping the opposing forces to reconcile their differences. This process began before the recent strikes came. It will go on until they end. If any strike is too serious to countenance even for a short time, the President and the country already have demonstrated the power to stop it. The railroad strike was stopped.

Third. There must be examination of the underlying causes of the disputes.

The great strikes of a decade ago, before the National Labor Relations Act became fully effective, dealt with the right to unionize and bargain collectively. That right has been established; and that kind of strike, with all its violence and terror, has practically disappeared. The present strikes deal with fundamental economic matters, such as wages, working conditions, the cost of living, and security—economic matters that never were embraced by the National Labor Relations Act. The legislative proposals now before the Senate do not address themselves to these underlying economic problems before they develop into labor strife. As a Nation, before and since the war, we have not faced squarely the underlying problems of mine safety and national health; and since the war's end, price control has met with serious rebuffs.

I was happy to hear the President emphasize the relation between many of the present strikes and the Government's policy of economic stabilization, especially the price-control laws. I was pleased that he renewed his stand in favor of "immediate action" to continue the price and stabilization laws in effective form. But on the day that the President made this request, a majority of the Committee on Banking and Currency,

over my objection, voted to lift all price-control on meat, poultry, milk, and all the products thereof. In my judgment, that action was a mortal blow to price control on food for the average man's table. If adopted by Congress, such changes in themselves would bring a serious rise in the cost of living, which could only result in another round of demands for wage increases, by workers already pressed to catch up with past price increases.

In our free economy, production results from agreement between two parties—capital and labor. When they disagree, when they cannot get together, there is no production. If this happens suddenly and on a large scale, it is called a strike. The strike is the result of the failure of both parties to agree. Either party can end the strike by acceding to the views of the other.

Under these circumstances, the only way to determine which party is right and which party is wrong is to look at the merits of the controversy.

Mr. President, the legislative proposals in the bill now before us do not flow from the merits of the controversy. They are not based upon an examination of the merits. Few here have said that the workers are basically wrong in seeking better wages or improved working conditions. Why, then, should we place such emphasis upon legislative proposals which restrict or limit the rights or liberties of the workers? Why is there this tendency to take sides against them?

Nobody can study the pending bill without coming to the conclusion that it would impose restraints, hazards, and uncertainties upon workers which are not shown to be necessary to accomplish the broad objective intended. Nobody can say that any employer, however recalcitrant or wrongful, could be treated as severely as workers under the bill.

Even the Smith-Connally Act, severe though its terms, becomes pale by comparison with this bill. The Smith-Connally Act prescribes criminal penalties for persons who lead or instigate strikes interfering with the war effort. But even the Smith-Connally Act specifically provides that no individual worker shall be deemed in violation solely because of refusing to work or ceasing to work. This bill, in contrast, while it does not impose criminal penalties upon the individual worker, does impose the following penalties upon the individual worker who simply refrains from returning to work when the Government takes over:

First, under section 5 the Attorney General may seek an injunction through the Federal courts against any "unlawful" action under section 4 (b), as well as 4 (a), and hence may enjoin any worker who does not return to work. A restraining order or temporary injunction may be granted without hearing on the merits, and it may be kept in force for an indefinite period without hearing on the merits. For this purpose the provisions of the Norris-LaGuardia Act are swept aside. Thus the bill would place again in the hands of sitting judges all over the country the power to issue injunctions against any worker, no matter how humble, to issue injunctions without definition by statute of their terms or scope—to issue injunctions without hearings, and to punish for contempt without a trial by jury.

The second form of penalty and restraint upon the individual worker who does no more than fail to accept employment would strip him of his rights as an employee of the owners or operators for the purposes of the National Labor Relations Act or the Railway Labor Act, unless he is subsequently reemployed by such owners or operators. Only the free will of the employer, and not action by the Government, could restore these fundamental and basic rights to the individual worker. Never has the Congress placed such supreme power over workers in the hands of the employers with whom their disputes have occurred. This provision strips away one of the workingman's most valued possessions, namely, his standing and continuing relation to his job. This valued possession has been built up during years of service to the private corporation which owns the property, the private corporation which will resume the operation when the Government steps out of the picture.

A third provision of the bill deprives the worker whose conscience will not permit him to work, of his seniority rights built up over years of loyal service. I know of no comparable penalty in American law.

The fourth and most drastic penalty directed against the individual worker is the threat of induction into the Army of the United States, upon such terms and conditions as the President may prescribe, including, I would expect, military discipline, forced labor, and military courts martial. This provision is, in my judgment, a complete departure from time-tested principles in American law. It casts an aspersion upon the Army. It conflicts with the theory and practice of selective service as a universal obligation in time of peril. I believe that enforcement of this provision of the bill would establish involuntary servitude in violation of the Constitution.

Mr. President, let us look this combination of unprecedented penalties squarely in the eye. I believe that the President should have the right to seize, for a limited period of time, industries vitally affecting the public interest, in order to insure the continuance of vital services during this period of transition, while a technical state of war exists. He now has that power and has exercised it. If his authority needs to be clarified by law as to any industry or operation, especially in view of the possible expiration of the Selective Service Act, I favor legislative action for that purpose. When the President has taken over an industry, the workers in that industry become employees of the Government, I would also agree that strikes against the Government should not be countenanced. But a strike involves concerted action, and existing penalties against such strikes have been directed against leaders of strikes. The situation is different when an individual, without conspiring with or encouraging others, decides not to return to work. And yet, under this bill, the individual worker could be drawn into the Army, or subjected to injunctive mistreatment by any Federal judge, or stripped of his status and seniority rights not only temporarily while in the employment of the Government, but permanently at the whim of the individual employer. I cannot believe that American workers deserve or would tolerate such treatment.

For the reasons which I have stated, I feel that the pending bill involves punishments out of all relation to the offense. These kinds of punishment do not produce peaceful industrial relations in a democracy. These kinds of punishment can have only one of two consequences: As the first alternative, they will stir up resentment, bitterness, and increasing strife. As the second alternative, they will need to be succeeded by even more drastic punishments in order to make the original punishments effective. Repression will breed further repression. Neither of these two alternatives can be acceptable to those who want both industrial peace and industrial liberty, and who believe that in America one is impossible without the other.

Now that the railroad strike is over, I urge that we proceed with moderation. In all probability, the mines will soon be working again. Serious efforts in that direction are being exerted by competent men who are completely absorbed with this problem. Both the employers and the workers know that the public is being grievously hurt. Both of them are responsive to the pressure of American public sentiment. That kind of pressure has worked before. It will work again. Coal mining is traditionally a sick, strife-ridden industry in all democratic countries. Only dictatorships are free of labor troubles among coal miners. The democratic way works best for greater production as well as for assured liberty.

Only bitterness and recrimination will result from ill-considered measures. The experience which has been had under the Smith-Connally Act should give us pause.

Mr. President, the bill now before the Senate offers no immediate solution in its present form. If any part of the pending bill has any long-range utility, it should be considered apart from an atmosphere of rancor and passion engendered by the immediate strike issue The President's seizure authority may possibly need to be extended or clarified. Also, from the long-range viewpoint, I welcome the President's suggestion of an impartial 6-month inquiry into the causes of strikes, and improvement in the means of preventing or terminating strikes, based on facts and experience instead of hysteria and repression. I myself introduced a bill in 1940 to strengthen our national mediation machinery. In many respects that bill was similar to the bill which was recently reported by the Committee on Education and Labor. Unfortunately, that bill—a substitute for the Case bill—was loaded down with unwise amendments which I have discussed. I hope that the President will veto the bill.

I do not believe that we need to abridge or curtail fundamental industrial liberties, in order to get through

these critical times. I have that much faith in the American system, as it has evolved through years of experience Let us profit by that experience, and not ignore it.

Mr. President, I move to strike out section 7 of the pending bill.

The PRESIDING OFFICER (Mr. HOEY in the chair). The question is on agreeing to the motion of the Senator from New York.

Mr. VANDENBERG. Mr. President, I wish to address myself to section 7 of the bill.

The PRESIDING OFFICER. Will the Senator advise the Chair on which side of the question he is speaking?

Mr. VANDENBERG. I am about to speak in opposition to section 7 of the bill.

Mr. TAFT. I yield 20 minutes to the Senator from Michigan.

Mr. VANDENBERG. I should have asked the Senator from Ohio that I might have not to exceed 20 minutes.

Mr. President, I wish to address myself to section 7, the draft section of the pending bill, which is a bill, according to its own title, to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

I ask that section 7 be printed at this point in my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Section 7, including the committee amendments reported thereto, is as follows:

SEC. 7. The President may, in his proclamation issued under section 2 hereof, or in a subsequent proclamation, provide that any person subject thereto who has failed or refused, without the permission of the President, to return to work within 24 hours after the finally effective date of his proclamation issued under section 2 hereof, shall be inducted into, and shall serve in, the Army of the United States at such time, in such manner (with or without an oath), and on such terms and conditions as may be prescribed by the President, as being necessary in his judgment to provide for the emergency. The foregoing provisions shall apply to any person who was employed in the affected plants, mines, or facilities at the date the United States took possession thereof, including officers and executives of the employer, and shall further apply to officials of the labor organization representing the employees. Provisions of law which are applicable with respect to persons serving in the armed forces of the United States, or which are applicable to persons by reason of the service of themselves or other persons in the armed forces of the United States," shall be applicable to persons inducted under this section only to such extent as may from time to time be prescribed by the President.

Mr. VANDENBERG. Mr. President, I earnestly urge the Senate sponsors of this measure to join in eliminating this section:

First. Because it is probably unnecessary to the Presidential objective in this emergency proposal, and is well calculated to hurt rather than to help this objective;

Second. Because it is clearly impractical in net operative results;

Third. Because it needlessly challenges very precious personal liberties with which it is unwise needlessly to tamper, regardless of irate provocation, lest a needlessly dangerous precedent be set;

Fourth. Because it involves the Army in activities so alien to its traditional functions that it is well calculated to impair the Army's morale at a moment when we can afford no such luxury; and

Fifth. Because the retention of this section may jeopardize the passage of other sections of the bill which may prove to be essential. I ask an unemotional consideration of these realities for the sake of the common welfare and the public interest.

Lest there be any doubt as to the motives which inspire this plea, I wish to state—at the outset—that I support without reservation the position of the President of the United States that there can be no right in any group to strike against the Government of the United States, anywhere, any time. Otherwise, the voice of all the people is silenced by the voice of a relatively few. Otherwise, the rights of all the people, their security, their health, and their safety, are mercilessly subordinated to coercion and attack by belligerent, minority pressure groups. Otherwise, there is no government worthy of the name or likely long to survive. I shall never consciously surrender to any such tragedy.

I commend the President of the United States for his sturdy statement on this subject last week end in respect to current crises. I quote him:

The Government is challenged as seldom before in our history. It must meet the challenge or confess its impotence.

In his vigorous leadership last week end the President vindicated the moral authority of the Presidency. This is a consideration of key concern in our national life, even as it has a tremendous bearing on the legislative problem now confronting the Senate, particularly upon the question whether section 7 is required in order to achieve the legitimate objectives of this bill. It points a moral to adorn this tale. The moral authority of the Presidency, no matter who is the incumbent, is an authority of vast potency. It is an authority which transcends statutes. It is an authority that flows primarily from the very nature of democracy which depends upon our Chief Magistrate to be the spokesman for our total citizenship and the oracle of our ideals. Let us briefly examine this thesis because it has a direct bearing upon the nature and extent of the sanctions which are necessary in the pending bill to achieve its stated purposes.

With great respect, and with no intention to be critical, but rather to emphasize the specific point which I shall make in this connection, and to measure what I believe to be the extent of this moral authority, let me say it is my view that if the President had exercised this leadership and this authority many weeks ago, the culmination of these recent crises might have been avoided. The rail strike ceased last Saturday afternoon, not as the result of new, summary, extrapunitive law such as the President has subsequently recommended, but as the result of the exercise of Presidential moral authority within existing law and within the moral influence of inherent and perpetual Presidential prerogatives. The workers responded to their President when he spoke to them with irresistible finality. After all, they are citizens, the same as we.

The President spoke to Congress at 4 p. m. last Saturday. The majority leader of the Senate had previously announced on the floor of the Senate that the rail strikers "have agreed to go back to work." He has explained that he spoke prematurely and, of course, I fully accept his explanation. Nevertheless, it is important to note that even his premature announcement caused no particular surprise because it was in the air that the use of the President's moral authority would inevitably produce swift reckoning. The President himself interrupted his own message to the joint session of Congress, at about 4:15, to confirm a final, pacific settlement. The settlement came, in other words, ahead of any new legislation on this subject. And, apparently, Mr. President, we are about to witness the same phenomenon in connection with the coal strike.

The point I make is that the President of the United States, by virtue of his office, can be, when he is willing, the greatest protector of the public welfare—perhaps even greater than the authority of law itself. The point is that, without new law, the moral authority of the Presidency, under any administration, is the greatest of all sanctions to enforce respect and protection for public health, safety, security, and government when strikes against the Government occur.

This does not, however, obviate the desirability and the necessity for adequate law. In the final analysis this must be a government of law and not of men. Therefore I am prepared to move ahead with legislation upon this subject, and with adequate dispatch. But in framing such legislation, and in measuring the legal sanctions necessary to stop strikes against the Government and against the whole people, we must never forget that the first and greatest of all sanctions is the moral authority of the President of the United States. We must not forget that we have this sanction always available to use whenever the President so wills, and regardless of statutes, old or new.

This is the first reason why I think section 7 should be striken from the bill. In the light of this greatest of all sanctions, and in the light of already existing law, and in view of other new and severe sanctions in the pending proposal, I am unable to believe it is necessary or practical or wise to order the final sanction of a labor draft. It is normally repugnant to every principle of free, constitutional democracy, as demonstrated by the fact it has never heretofore been invoked even during the extreme exigencies of war. It has never been attempted in 150 years of our free history. Nothing short of utter and urgent extremity could justify such impressment now. Despite our acute anxieties during recent weeks and despite the heavy potential of national damage which was involved, I register my deepest doubts that such a step

should be taken, particularly in the absence of any normal and adequate process of study and deliberation, and in the absence of any proof of need.

Mind you, I am prepared to embrace any device which is necessary to defend the unassailable sovereignty of the Federal Government at home or abroad, and I will give this sovereignty the benefit of every doubt. If this extraordinary and unprecedented recourse in section 7 is finally unavoidable to protect public health, safety, subsistence and security, I will let the President proceed. But I see nothing in the present situation which warrants the belief that we are yet driven to any such totalitarian extreme, and I doubt if we ever will be.

I have said that the labor draft is unnecessary to achieve the stated purposes of this bill. I mean that there are other sanctions available which will suffice. I have already referred to the greatest of these sanctions, namely, the moral authority of the White House. I now refer to other concrete sanctions in the bill itself. These other new and drastic sanctions should offer a complete guaranty—so far as such a thing is possible in human relations—that Government-seized industries will resume their operations.

There are sanctions in the pending proposal against union leaders and workers who would be put under a positive obligation not only to refrain from directing or aiding a strike or slow-down, but also "to take appropriate, affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption." Failure to do so would render them liable to heavy fines or imprisonment. Individuals refusing to go back to work in a Government-seized industry would lose their very precious seniority rights and the indispensable protections of the National Labor Relations Act, which is to say their protection in their jobs. Indeed, any recalcitrants might well find themselves in jail under section 4 before they ever reached the Army under section 7.

I think, Mr. President, that even some of these other and additional sanctions may go too far. Even if they were further curtailed—and I think in some respects they should be—I should still say that it is perfectly clear to me that completely adequate and effective sanctions exist without pushing cumulative penalties to the climax of involuntary servitude. It has been admitted by the sponsors of the bill that probably the labor draft in section 7 never will be used. That is equivalent to a confession that section 7 is probably not necessary even in their view. That is my conclusion without reservation. And I have said nothing about still another highly important sanction, namely, the loyal conscience of a vast majority of citizen-workers who have demonstrated that they will voluntarily stop short of a strike against their Government.

I have said, Mr. President, that I consider the labor draft not only unnecessary, but also impractical. If all these restraints are insufficient to deter a striker against his Government, I very much doubt whether he will be a productive operative in his subsequent role as an unwilling and resentful labor draftee. I am not impressed with the wisdom or utility of drafting rebels—if that is what you want to call them. An Army of so-called rebels is not calculated to be a particularly reliable or productive one. On the contrary, if they have been unimpressed by all these other restraints and penalties they are calculated to continue to find unresponsive means to continue to rebel when an attempt is made to make conscript workers out of them. We may create an even greater problem than we solve. We may directly jeopardize the very results to which we dedicate our efforts.

Mr. President, that is not all. This labor draft would also be a wrench to the time-honored character of the Army of the United States. The Army is not a penal institution. It is not an industrial recruitment service. It is not a labor internment camp.

The Army needs the total good will of all our people, and particularly now. The popularity of the Army is a thing of vital concern to the Nation. Its popularity and its universal respect would be obviously undermined in the opinions of large sectors of our people if the Army became an instrument of what they, rightly or wrongly, believed to be oppression. The Army has enough to do, in critical times of rebellious unrest, to protect production and to maintain law and order, without being drawn into special jeopardy, as would be the case if the Army were used not only to defend law and order, but also to assimilate draftees who were directly related to the very controversy which threatened law and order.

Mr. President, let me say again that I would not deprive the Chief Executive of any authority he needed to protect the Government and the general welfare. Neither would I do anything to shatter effective liaison between the Congress and the White House upon this score in such times as these, and I am frank to say that I have particularly in mind the truculently threatened general strike on June 15, which would not only paralyze our rapidly expanding and vitally essential export trade, but which would also perhaps condemn to death hundreds of thousands of helpless people in the famine zones of the so-called liberated areas of the Old World.

But, Mr. President, I cannot believe that literal acceptance of all the details of the President's admittedly hasty legislative recommendation is required of me in order to meet my obligation. I cannot believe that it would be any service to the President, or to the country, to withhold deliberative Senate scrutiny of any such sweeping and unprecedented proposal, and not to make useful changes to the end that it shall mature in best possible form. I decline to believe that the President himself would not wish us to perfect his proposal if we can. As a former honored Member of the Senate, I am certain he does not consider our function to be that of carbon paper. I cannot believe it is essential to the public welfare, safety, and security, or that it is necessary in their name, to accept any needless provisions which, under any circumstances, would be a startling invasion of traditional American personal liberty.

All these considerations lead me to think, Mr. President, that we should strike section 7 from the pending measure; and that this can be done without remotely vitiating the highly important purposes of the bill; that we can eliminate the labor draft without robbing the President's bill of adequate and effective sanctions; that we can do these things without sacrificing jot or tittle of our relentless purpose to stop strikes against the Government. On the contrary, it is my conviction that this change will make it a better bill, a wiser bill, a more practical bill, and one more likely to command the universal respect which is so essential to the success of sumptuary law.

During the delivery of Mr. VANDENBERG's address the following occurred:

Mr. BARKLEY. Mr. President, will the Senator yield to me for just a moment?

Mr. VANDENBERG. I yield.

Mr. BARKLEY. I am compelled to leave the Chamber, and following the Senator's address I wish to yield to the Senator from Illinois [Mr. LUCAS] such time as he may wish.

Mr. LUCAS obtained the floor.

Mr. TAFT. Mr. President, will the Senator yield to me for a procedural matter?

Mr. LUCAS. I yield.

Mr. TAFT. I may have to be absent from the Chamber. Following the address of the Senator from Illinois, I yield the next 15 minutes to the Senator from New York [Mr. MEAD].

Mr. DOWNEY. Mr. President, will the Senator from Illinois yield to me for the purpose of suggesting the absence of a quorum?

The PRESIDING OFFICER. The Chair will state that if that is done the time consumed will have to be taken out of the time of the Senator from Illinois.

Mr. LUCAS. The Senator from Kentucky gave me all the time I needed; so I yield for that purpose.

Mr. DOWNEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	O'Mahoney
Andrews	Hawkes	Overton
Austin	Hayden	Pepper
Ball	Hickenlooper	Radcliffe
Barkley	Hill	Reed
Brewster	Hoey	Revercomb
Bridges	Huffman	Robertson
Briggs	Johnson, Colo.	Russell
Brooks	Johnston, S. C.	Saltonstall
Buck	Kilgore	Shipstead
Bushfield	Knowland	Smith
Butler	La Follette	Stanfill
Byrd	Langer	Stewart
Capehart	Lucas	Taft
Capper	McCarran	Taylor
Connally	McFarland	Thomas, Okla.
Cordon	McKellar	Thomas, Utah
Donnell	McMahon	Tobey
Downey	Magnuson	Tunnell
Eastland	Maybank	Tydings
Ellender	Mead	Vandenberg
Ferguson	Millikin	Wagner
Fulbright	Mitchell	Walsh
George	Moore	Wheeler
Gerry	Morse	Wherry
Green	Murdock	White
Guffey	Murray	Wiley
Gurney	Myers	Willis
Hart	O'Daniel	Wilson

The PRESIDING OFFICER. Eighty-seven Senators having answered to their names, a quorum is present.

Mr. LUCAS. Mr. President, on Saturday last Congress was called into a joint session to hear the President of the United States deliver an emergency message on the state of the Union. I undertake to say that if the Nation-wide crisis caused by the coal and rail strikes was as threatening today as it was when the President left the White House on Saturday last to come to the Capitol and deliver the extraordinary message to the Congress of the United States, the Senate would by this time have passed any legislation the President desired in that message.

Not since the late President Roosevelt came to us in the dark days of the Pearl Harbor infamy has the Nation been so seriously threatened with peril. The Pearl Harbor treachery came from power-crazed aggressors across the sea. The railroad strike with all its chaotic and devastating implications, which paralyzed the greatest transportation system in all the world, came from two American aggressors who a short while ago believed they, too, had the power to write their own economic peace terms in the White House.

Mr. President, the passing of Franklin D. Roosevelt left to his successor, Harry S. Truman, stupendous unsolved national and international problems. Every thoughtful American knows that no man in all our history was catapulted overnight into the chair of the Commander in Chief to face more serious and painful responsibilities. Franklin D. Roosevelt literally wore himself out in his service for his country. He was the first citizen of the world when he passed on in the midst of global war. Overnight Harry Truman, of only national fame, became President. At that tragic hour in the fate of our Nation all America gave him their blessings, wished him well, and prayed for his success. However, as time went on, the period of harmony expired. The honeymoon was over. The political sniping began. Mean, little, and contemptible things were said about President Truman by men of idle fancy and evil thoughts.

Many leaders in the industrial, labor, and political fields were certain that the new President in the White House was easy prey for their machinations. They believed him a soft touch for their beguiling and cunning methods. They said, "Here is a man we can push around. Here is a President who will weaken under the pressure of vigorous opposition and concerted power."

Mr. President, those arrogant and stupid men forgot that Harry Truman was an artillery officer in World War I who inherently knew how to shoot straight for his country. They forgot that as chairman of the Truman committee when serving as a United States Senator he demonstrated a passion for courage, honesty, and upright dealings, irrespective of whether he was meeting with friend or foe. They forgot that underneath his contagious smile there was a heart and soul that would never forsake his country when it was in danger.

Today, Mr. President, all true Americans are grateful for the display of courage and candor exhibited by our President in his two historical speeches of last week. When the chips were down, Harry Truman never flinched nor yielded. When the health, safety, and security of his Nation were threatened by the arrogant action of two men, he accepted the challenge, and today all America breathes easier. It was time to determine whether the United States was still a government by law or by men. Through his bold and courageous action he crushed the opposition, stamped out insurrection, and within 48 hours literally turned the Government back to the people.

Mr. President, Saturday will be recorded as one of the truly great days in American history. Throughout America men and women know that they can never strike against their Government. Those who have a different viewpoint should not forget that it was only a little while ago that this great Nation, single-handed, defeated Japan, the most barbaric nation the world has ever known. We also put the finishing touches upon the ruthless and despicable Nazis. People should understand as a result of what has happened in the last week that when they strike against the Government of the United States, they are striking against a power which has met and defeated all enemies since the fathers gave to us this country more than a century and a half ago.

Mr. President, it has been said over and over again on the floor of the United States Senate that there was nothing the Congress could do, that the remedy and the power for dealing with such a national crisis lay definitely in the hands of the President of the United States. I never subscribed, Mr. President, to that doctrine. Over and over again I have taken the position that Congress in conjunction with the executive branch of the Government could do something, and that we could not, under our oath, sit by silently and see government destroyed from within.

Mr. President, I understand that the people of America have been educated to the idea of individual sovereignty. Some are so mentally fortified with that theory that irrespective of any national calamity or disaster which approaches they will be found clinging tenaciously thereto. They tell us that the civil liberties of the American people must be preserved at all cost, even though the Nation might fall. Of course, when that happens those civil liberties will also fall. Over and over again in these debates we have heard about civil liberties and the rights of American citizens who are involved in these strikes. I, too, respect those rights. But, Mr. President, if the Government should fall because of forces either within or without, civil liberties would not be worth anything to us. Every Senator and every other individual in America who has followed the rail and coal crises knows that the very fundamentals of free government were at stake.

The mental attitude of these opponents reminds me of what Matthew Arnold said in Culture and Anarchy, and that is:

> Some people insist on the right to do what they like, march where they like, meet where they like, hoot as they like, threaten as they like, and smash as they like.

I am one who will never believe that the founding fathers drafted the Constitution in the light of a cold and legal document only. Our Constitution is a living thing. As society makes progress for the elevation and dignity of the human being, the Constitution has been found sufficiently flexible to embrace the conditions of that progress. There is nothing in the Constitution of the United States which would keep this Nation from saving itself.

Mr. President, a nation is not always conquered by the enemy from without. Internal trouble sometimes becomes a dangerous threat to continuation of free government. We are now passing through just such a crisis. Nothing has been so threatening to the welfare of our people as the railroad and coal strikes.

He who contends that this Government is helpless under such circumstances has lost faith in our institutions. Thank God, Harry Truman does not belong to that timid school of thought.

Mr. President, he belongs to the Jacksonian school of thought. It will be recalled that Jackson, while President of the United States, sought to forfeit the charter of the Bank of the United States. Americans were divided into two camps. The question was debated so heatedly that for a time civil war seemed inevitable. Jackson was unwilling to see his people and their property suffer from an untried Utopian government, and with that characteristic firmness which dominated his life he rallied to the flag and all it represents and in the crisis issued that famous utterance which will live forever, "The Union must be preserved."

Thereafter the special interests which had bitterly assailed the President yielded in their reverence for a united front and an indissoluble America, and when Jackson completed his second term confidence in America and her institutions was at its highest peak.

Mr. President, that course should be followed today. Labor leaders and management should resolve their differences for the best interests of America. We have the greatest opportunity in all our history to move forward on a road of progress which will outstrip any peacetime progress we have hitherto enjoyed as a Nation.

Mr. President, Grover Cleveland was a sincere and resolute character. He had no hesitancy in doing the extraordinary, if it became necessary, to turn back a threatened insurrection. It will be recalled that in the aftermath of the panic of 1893 there was a railroad strike. The center of that strike was in the vicinity of Chicago where the boycott on the Pullman palace cars originated. There was violence. Over the protests of John P. Altgeld, one of Illinois' greatest governors, the Federal Government intervened in two ways, both of which were novel and which were declared by many to be unconstitutional. Cleveland was denounced unmercifully for his so-called military dictatorial methods. An

injunction was issued by the Federal Government restraining the strikers and President Cleveland, on application of Federal officials, sent troops from the Regular Army to Chicago to enforce the laws. Cleveland was criticized severely by the Governor of the State of Illinois and by many other persons throughout the Nation, but as a result of that bold stroke he brought order out of chaos.

Mr. President, in 1902 there was a strike in the anthracite coal fields owned by the railroads. Theodore Roosevelt was the President of the United States at that time. President Roosevelt asked George F. Baird, spokesman for the group of financiers who owned the mines, to arbitrate the difference with the miners. In that case the owners refused. The public was on the side of the miners who were receiving low and meager wages at that time. Baird refused to acknowledge the interest of the Government in the cause, and he flatly refused to arbitrate. Roosevelt even tried to get a secret settlement of the strike through a separate commission. The operators again refused. It was then that Baird said—listen to this, Mr. President:

> The rights and interests of the laboring man will be protected and cared for, not by labor agitators, but by the Christian men to whom God in His infinite wisdom has given the control of the property interests of this country.

Mr. President, Baird was an unscrupulous industrialist. We still have in America powerful individuals in American industry who believe practically the same as Baird did in the long ago; and in some of the recent strikes, some of these powerful industrialists refused for some time to accept the proposal made by the President of the United States to settle those labor controversies. The only difference, Mr. President, between those strikes and the coal and rail strike today is what effect they would have, if continued, upon the safety, the health, and the security of the Nation. Some strikes might go on forever without injuring the national economy as a whole. But we all know that the rail strike and the coal strike, if continued, without check, would destroy the economy and the Government of this Nation. In this great crisis we see ambitious labor leaders taking practically the same position as did Baird in the long ago, as did management in the General Motors strike, as did the leaders of the powerful Westinghouse Corp. in that recent strike. Apparently some men, both in labor and in management, even at this late hour in American life, believe they have inherent powers to do as they please, regardless of how it affects the welfare, the health, and the safety of the Nation.

As a result of the obstinacy of Baird, back in 1902, Theodore Roosevelt in his characteristic way advised Mr. Baird of his intention to call out the Regular Army and take over and operate the mines. With that threat hanging over Mr. Baird's head, he capitulated and agreed to arbitration. The miners got better wages. That was one of the early struggles between capital and labor, where the interest of the third party, namely, the public, was paramount. Of course, it is even more significant in the rail and the coal crisis today.

Mr. President, in September 1919, the Boston police threatened to go on strike because of the refusal of the commissioner to permit affiliation with the American Federation of Labor. The commissioner was steadily supported in his position by Governor Coolidge, who later became President of the United States. A general strike was threatened, which would have disorganized business activities, as well as incited the danger of rioting. Coolidge called out the entire State Guard, and took charge of the police department. He said in a letter to Samuel Gompers, then president of the American Federation of Labor:

> The right of the police of Boston to affiliate, which has always been questioned, never granted, is now prohibited. There is no right to strike against the public safety by anybody, anywhere, at any time.

When he was warned that organized labor would prevent his election to any other public office in the future, he said, "It does not matter."

In the critical years coming with the termination of the first great World War, the Government was faced with serious work stoppages. President Wilson met these threats squarely and without hesitation.

On October 25, 1919, President Wilson issued the following warning to United Mine Workers, then threatening to go out on strike:

> This is one of the gravest steps ever proposed in this country, affecting the economic welfare and the domestic comfort and health of the people. * * *
>
> From whatever angle the subject may be viewed, it is apparent that such a strike in such circumstances would be the most far-reaching plan ever presented in this country to limit the facilities of production and distribution of a necessity of life and thus indirectly to restrict the production and distribution of all the necessaries of life. A strike under these circumstances is not only unjustifiable; it is unlawful. * * *
>
> It is time for plain speaking. These matters with which we now deal touch not only the welfare of a class but vitally concern the well-being, the comfort, and the very life of all the people.
>
> I feel it is my duty in the public interest to declare that any attempt to carry out the purpose of this strike and thus to paralyze the industry of the country, with the consequent suffering and distress of all our people, must be considered a grave moral and legal wrong against the Government and the people of the United States.
>
> I can do nothing else than to say that the law will be enforced, and the means will be found to protect the interests of the Nation in any emergency that may arise out of this unhappy business. * * *

Mr. President, on December 2, 1919, in his annual message to the two Houses of Congress, President Wilson correctly summed up his position—the Government's position—on strikes which threaten the national well-being. He said:

> The right of individuals to strike is inviolate and ought not to be interfered with by any process of Government, but there is a predominant right and that is the right of the Government to protect all of its people and to assert its power and majesty against the challenge of any class.

Mr. President, history records that President Wilson, in giving protection to the right of the whole people, did point to means to protect the interests of the Nation. On September 13, 1918, in a letter addressed "To the Striking Workmen of Bridgeport, Conn.," he said:

> Having exercised a drastic remedy with recalcitrant employers, it is my duty to use means equally well adapted to its end with lawless and faithless employees. Therefore, I desire that you return to work and abide by the award. If you refuse, each of you will be barred from employment in any war industry in the community in which the strike occurs for a period of 1 year.
>
> During that time the United States Employment Service will decline to obtain employment for you in any war industry anywhere in the United States, as well as under the War and Navy Departments, the Ship Building, the Railroad Administration, and all Government agencies, and the draft boards will be instructed to reject any claim of exemption based on your alleged usefulness of war production.

In recommending this candid and drastic remedy, President Wilson was following through on a recommendation which he had previously made with respect to a threatened railroad strike. That recommendation was made in a special address to Congress on August 29, 1916. Mr. President, in the midst of a political campaign, a general election, if you please; here is what Woodrow Wilson requested of the Congress of the United States:

> The lodgment in the hands of the Executive of the power, in case of military necessity, to take control of such portions and such rolling stock of the railways of the country as may be required for military use and to operate them for military purposes, with authority to draft into the military service of the United States such train crews and administrative officials as the circumstances require for their safe and efficient use.

In other words, what the late President Wilson did at that hour was to tell the Congress and the people of this country that if the men went out on strike at that particular time he would come to the Congress of the United States and ask for the same power which Harry Truman asked this Congress to give him in behalf of his country on Saturday last. Fortunately, he was not required to ask for such power, because the threat which hung over the heads of the strikers as a result of the request which the President was about to make to the Congress, restrained them in carrying out their plans.

Mr. President, last but not least, Abraham Lincoln also had his troubles with the Constitution of the United States. In his inaugural address in 1861 he said that the Union is much older than the Constitution. Lincoln knew that the Union of States began among the Colonies. He knew that the Union received definite form in the Articles of Confederation wherein the Union was declared to be perpetual. When the articles were found to be inadequate, the Constitution was ordained to form a more perfect Union. From that premise stems Lincoln's extraordinary conception that this Nation, in a great national emergency, is not compelled to rely wholly upon the

Constitution and the laws of the land, if they are insufficient to protect the inherent right of a nation to self-preservation.

Lincoln believed that if the Union was to be saved, it might become necessary for him to find and tap some new source of national authority. He was of the firm opinion that, as Chief Executive and Commander in Chief, he could dispense with almost any law if the emergency was such as to precipitate a national crisis.

Lincoln said, "Must a government by necessity be too strong for the liberties of its own people, or too weak to maintain its own existence?" While this unusual theory of government was pronounced after the War Between the States had commenced, nevertheless it can be said that this philosophy had long been considered as paramount in the crisis, and so when the war became an actuality, Lincoln was ready for the test. He bypassed the Constitution by adopting one measure after another which he deemed necessary and essential to preserve the Union. Without a whit of constitutional or statutory authority, Lincoln issued the Emancipation Proclamation, suspended the writ of habeas corpus, enlarged the Army and Navy beyond the limitation fixed by existing law, caused the arrest and military detention of persons, and spent public money without congressional appropriation.

In a proclamation of April 15, 1861, Lincoln called for 75,000 troops. He also summoned a special session of Congress, but delayed its meeting until July 4. That was, of course, deliberate. Lincoln did not want the Congress in session immediately because he did not know what it would do. He concluded it might become a continuous nuisance. Obviously, he was right. Congress seldom functions with expedition and dispatch. It is worthy of mention that Congress thereafter, through legislation, legalized the illegal acts of the President.

Lincoln believed that in any great national emergency, the President had extraordinary legal resources which Congress lacked. He contended that self-preservation of the Nation was not confined to legal prescription. He maintained that decisions might be made out of harmony with the American laws of civil liberty, if such decisions were necessary to save a nation from political disintegration through a threat to its life, safety, health, or security. Under the pressure of severe circumstances he became in name and in deed a temporary dictator. Had the rail crisis lasted another week, Harry Truman would, to all intents and purpose, have become a temporary dictator over this Nation.

One of the classical examples of how many persons felt about Lincoln's actions can be found in the statement made by Wendell Phillips, who at that time denounced Lincoln's government as a fearful peril to democratic institutions, and characterized the President as an unlimited despot. But there is one thing that we must remember about the immortal Abraham Lincoln, as he seized these extra legal powers. Lincoln was a great humanitarian. He had a fine legal mind. He was possessed with an overdose of common sense and courage. He was always willing to take the people into his confidence and give to them in a detailed manner the reasons for the unusual measures which he adopted. While he did that with patience and moderation, he was also firm in those extralegal decisions.

Mr. President, on Friday last, the President of the United States in that memorable speech which he delivered to the Nation over a national hook-up said, among other things, "I shall always be a friend of labor. But in any conflict that arises between one particular group, no matter who that might be, and the country as a whole, the welfar of the country must come first." He further said that it is inconceivable that in our democracy any two men should be placed in a position where they can completely stifle our economy and ultimately destroy our country.

Obviously the President of the United States was referring to Whitney and Johnston. It should be said at this point that the people of America should be eternally grateful to the 18 other railroad brotherhoods who never at any time wanted the railroad strike, accepted the theory of arbitration, and finally accepted the proposal made by the President of the United States. The leaders of those 18 brotherhoods placed the welfare of their country above everything else. From the time I first started talking about this crisis I have never lost faith in the patriotism of the worker of America. The tactics which have been pursued have been those of ambitious and recalcitrant leaders in the labor movement who thoroughly aroused and alarmed the American people.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. FULBRIGHT. Does not the Senator believe that consideration of the pending measure has had considerable influence upon the settlement of the strike?

Mr. LUCAS. The mere consideration of the pending measure by the Congress of the United States has had its effect, of course, not only on the settlement of the railroad strike, but on the settlement of the coal strike which, I understand, will be reached at about 3 o'clock this afternoon. Obviously that is true. It has been said that Congress is powerless to do anything with respect to legislation which would aid the President of the United States in a crisis of this kind. Such statements are inaccurate.

Mr. President, I support this extraordinary measure of delegated power, because in America we have developed a highly integrated industrial civilization which is completely dependent upon the continuous operation of the instrumentalities of commerce. There must be a continuous and uninterrupted production and distribution of essential goods and services if America is to remain a free and happy Nation. Any substantial stoppage of one or more of these basic industries paralyzes our economy. When industrial paralysis strikes the Nation, the preservation of the health, security, and safety of the Nation becomes impossible. When such an economic impasse is reached, the stability of free government is threatened. If the rail strike had continued 10 days, there would have been little or no Government left.

Mr. President, time moves on. Progress is made. Never let it be said that the Government is so impotent as not to be able to meet any internal or external aggressor.

Mr. President, certainly the President of the United States was reluctant to take the decisive step which he took. All through his life he has been a friend of man. He believed, as Abraham Lincoln did, that "God must have loved the common man, because he made so many of them." But as President of the United States, he saw labor leaders, enamored with their own greatness, gnawing fiercely at the fundamentals of the greatest government ever devised by man.

Harry Truman is a soldier who fought in World War I to preserve this Nation. Harry Truman, as President of the United States, still fights to preserve it. Mr. President, I, too, came up the hard way. I know what it is to toil with my hands. I know what it is to want for the real necessities of life. I have always been a friend of labor. But my Government has also been my friend. It has never failed me. I cannot fail it now in an hour of peril. This crisis should be a lesson for us all. Never again should the President of the United States be compelled to demand such drastic legislation. There must be a change in the hearts of men. There must be a way found to eliminate selfishness and greed. There must be a moral rearmament to our obligations to society. We must think more, talk more, write more, and love more this noble land that God has given us. We must instill into the hearts of the people of America the feeling toward this country that Jackson had when on retiring from the Presidency on March 4, 1837, he said, "I thank God that my life has been spent in a land of liberty and that He has given me a heart to love my country with the affection of a son."

Mr. MEAD. Mr. President, first of all, I wish to make my position crystal clear on the subject of industrial work stoppages. My support of the workers of America in their long struggle for a living wage and decent working conditions is well known, but I want to cooperate with my colleagues in the Senate in order to bring about the maximum degree of industrial peace by means of democratic methods. I believe in American industrial procedures based on humanitarian principles, and I hope that such principles will never be lost sight of.

Mr. President, I believe that we have neglected our responsibilities in the past, because we have failed adequately to appropriate for the labor agencies and mediation instrumentalities which, from time to time, the Congress, by law, has provided. Meager, inadequate appropriations have injured the efficiency and the effectiveness of our conciliation, mediation, and arbitration services. If we would realize how vitally necessary, how all-important these services are in

our growing, expanding, complex industrial organization, we would make them the important major services they deserve to be. Large appropriations should be provided, the very best men should be attracted, and the Congress should cultivate and develop these agencies because of their effect upon industrial peace.

Mr. President, on May 23, just 2 days before the President addressed the joint session of Congress, I urged the Senate to consider the experiences of the English-speaking industrial nations of the world. At that time I pointed out with facts and figures, gleaned from official reports, that whenever drastic compulsory or other vicious labor legislation was resorted to industrial work stoppages increased immensely. I pointed out that in Australia, with the possibilities of invasion upon her, resorting as she did to drastic labor legislation, even conscripting strikers into her military forces, brought about greater industrial unrest and a larger number of work stoppages and strikes, particularly in the mines, than at any other time in her history. I pointed out in a word, Mr. President, that voluntary procedures, voluntary methods, in accord with traditional American policy, had always proved to be most effective.

Again on May 25, shortly after the President delivered his speech to the joint session of the Congress, I urged the Senate to give time and thought and consideration to the pending emergency bill. I explained that I feared its effects, for evil would overbalance anything else that might result from the bill. I pointed out at that time that its effect upon the GI bill of rights, upon the selective service, upon the Wagner Act, upon property rights, and upon the Norris-LaGuardia Act, as well as its effect upon the Army and the uniform of the Army, might be derogatory, and should be considered. Since that time a number of very able and distinguished Senators on both sides of the aisle and on both sides of the legislative question have approved the position I took on that occasion.

Mr. President, I desire to add that I have some misgivings about the international aspects of this proposed legislation. If in time of war we found it unnecessary to conscript the manpower of America in order to prevent work stoppages, what will be the comment by other nations of the world if we must resort now to this drastic military method of conscription in time of peace?

Mr. President, as a result of the discussions and the debates in the Senate there have been in the newspapers, editorially and otherwise a great many statements, pointing out just what I suggested in the Senate on Thursday and again on Saturday of last week. I have here an editorial from the New York Times of this morning from which I read as follows:

A STRIKE-FOMENTING BILL

The Smith-Connally law when it was passed by Congress was sincerely thought by that body, and by the union leaders who denounced it, to be an "antistrike" law.

It will be recalled that the Smith-Connally law was very drastic and was a departure from traditional American methods.

But it turned out in practice to be a strike-fomenting law.

In other words, we had more strikes as a result of it than we had before we adopted it.

The editorial in the New York Times continues:

It compelled a strike ballot to be taken under Government auspices and at Government expense. The natural result was that when such a ballot was taken, and it resulted as it nearly always did, in a majority in favor of a strike, the strike had the appearance of being specifically sanctioned and legalized by the Government. Moreover, as the law provided for Government seizure of the property involved, and as the employers feared this action more than the workers did, union leaders found that a Smith-Connally strike ballot further increased their bargaining power.

Then the editorial goes on to point out the weaknesses of the pending bill:

The question may be raised whether the much more drastic antistrike law for which the President is now asking, and for which the House has already voted, may not provoke more strikes than it stops. Under its terms, when a strike occurs in an essential industry the Government is to seize that industry. The President is then to "establish fair and just wages and other terms and conditions of employment in the affected plants, mines, or facilities." While these fair wages are to prevail legally only while the plants are in Government possession, it is obvious that few, if any, employers will be able to reduce the wage previously fixed by the Federal Government when the properties are turned back to them.

Experience shows that the Government practically always awards a substantial wage increase in these cases. It is likely to be much larger than the union concerned could get by really free bargaining. This is true for several reasons. The administration will want to award a wage increase high enough to seem fair and generous to a public that can know little of the specific problems with which particular industries are confronted. The administration will want to prove that it is prolabor. The administration will want to make the award large enough to make sure of stopping the strike, or at least of minimizing public sympathy for the strikers if it continues.

The union leaders will undoubtedly be aware of all this. For these reasons, it seems likely that unions everywhere, if the proposed law is enacted in its present form, will be tempted to make impossible demands, to provoke strikes, to compel Government seizure, and to force fair wages far higher than they could get in a free economy. For once the Government has granted the higher wages and saddled them on the employers, the members of the union can peacefully go back to work until the Government withdraws.

The new bill, in short, like the previous interventions of the Truman administration, seems likely, even to a greater extent than the Smith-Connally law, to provoke more strikes than it settles.

Mr. President, I believe that editorial adds weight to the argument I made when I pointed out the experiences of other industrial nations of the world, when I pointed to our own wartime experiences, and when I made the point that the traditional American method, involving the use of voluntary means, have always resulted in a higher degree of industrial peace than has been the case when we resorted to drastic compulsion, particularly of a military type.

Mr. President, to indicate that great opposition to the sanctions proposed by this bill is to be found in the press, editorially and otherwise, I have here almost a full editorial from the New York Post of Monday, May 27, which reads as follows:

STRIKES AND GOVERNMENT

The cheers that greeted Harry Truman from a Congress hostile to labor should have told him that something was wrong.

The President, thwarted during his year in office by men who reject any liberal measure, be it for price control or medical care, should take little comfort from Congress' wild applause of his labor stand. Rather, it should cause him to do some soul-searching.

He should remember that this Nation went through a war without once having to force American workingmen to do their jobs. He should recall that by using all the prestige and power of his office, Franklin Roosevelt was able to give us relatively uninterrupted production without serious damage to our liberties or to our constitutional structure.

We did not have to grant totalitarian powers to Roosevelt. On Saturday, however, Harry Truman, 1 year after the war had ended, did demand totalitarian authority.

If Congress were to pass the emergency legislation sought by the President, it would mean:

Workers could be forced to labor at the point of a bayonet. Once drafted, they would have to return to their jobs, not as free workmen, but as soldiers subject to military law. Also, they would lose hard-won seniority rights.

Wages could be fixed by Government fiat, without consent of workers; should they resist, they could be compelled to work for a private's pay.

Capital would be subject to the President's dictate—whenever he wished, he could proclaim an emergency, seize an industry and confiscate the profits resulting from its operation.

The entire American way of life could be changed. Methods and sanctions hitherto characteristic only of dictatorships would be written into our law.

Decades of political wisdom, from Jefferson to Franklin Roosevelt, have gone into creating a system in which the common man would have an increasing amount of say about his fate. The end cannot be that, after all, free citizens must subordinate themselves without due process of law to a Chief Executive.

The Truman method would solve no problems, but would simply add new ones to those that already exist. For the very processes of collective bargaining, which are the basis of stable labor relations, would be outflanked.

Recalcitrant or insincere management would be given a premium for failure to agree in negotiations. If only it waited long enough, the President might step in, seize, draft the workers, and force them to scab on themselves. Though management would lose profits during the period of Government operation, it could win vastly in the long run, for the back of the union would be broken.

Labor leaders, negotiating under the shadow of a mass draft, could not represent their men adequately for fear of inviting drastic Presidential intervention.

It is easy to imagine how union men would feel. Responsible labor leaders would be hooted, their advice disregarded; irresponsible, demagogic misleaders would reap the harvest of discontent. The result could only be more chaos, and a constant need for more seizures, more drafting.

For the sake of real labor peace, and to preserve American liberty, the people of this

country should immediately register a great mass protest with Congress to dissuade it from granting President Truman the powers he asks.

It must be clearly understood, however, that the President is right when he says a series of strikes in basic industries can shatter our economy and even threaten the American system.

Our economic life is complex—a coal strike in Alabama can put out the light in Chicago, a tugboat tie-up in New York Harbor can prevent the arrival of wheat from Kansas.

Under those circumstances the Government, if necessary, must seize and operate basic industries to maintain the economic well-being of the Nation.

And when it does so in such a crisis, there can be no right to strike against the Government. From there on out, men who lead such strikes or who conspire to keep workers away from their jobs in such emergencies challenge the Government and to that there is one answer—severe penalties.

But it is one thing to put a willful conspirator in jail; it is another to deprive masses of workers of their freedom and their economic rights—through loss of seniority and wages.

Extreme measures should never be quickly taken by the Government. The value of seizure is proportionate to the cautiousness with which the administration invokes it; to use it too often is to dilute its effect.

Before resorting to seizure the Government should first exhaust every other means available—negotiation, mediation, arbitration, fact-finding, and appeal to the massive force of public opinion. And when all these have failed, we have the right to expect our President to exercise the utmost skill and make most effective use of his office to achieve settlement.

A government that seizes only after exhausting every other expedient takes over with a labor force which knows there was no alternative. It take over an industry whose workers are convinced of administration sincerity. Such men will be far more inclined to work for the common good than when they feel themselves to be victims of governmental hostility or incompetence.

In the case of Truman's seizure of the railroads, the means that lie within the President's power had not been exhausted; just when he was within sight of voluntary agreement, he gave up.

Our President should search out ways of reconciling labor's rights with those of the public and the liberties of all of us—of fitting traditional freedoms into the new exigencies of a vastly complicated economy.

Certainly he does not serve us well, or himself either, by falling in with an antilabor trend in Congress that is stronger now than at any time in the past quarter century, for in doing so he lends his influence to increase the momentum already behind the Case bill and other labor-baiting measures, and surely the President cannot go along with such legislation.

The ill-considered nature of Mr. Truman's legislative proposal is even today high-lighted by the impasse in the coal strike. The logic of his position dictates that he seek to draft half a million miners into the Army and order them to extract coal.

But does anyone, including the President, think this Nation of free men will tolerate putting half a million husbands, fathers, sons into Army uniforms to force them to work? Yet, in conformity with his Saturday speech, that is exactly what he must now intend.

Truman should return to the traditional methods. The resources of democracy have not yet been exhausted. The answer to the labor-management problems of today is still to be found within the framework of our freedoms.

Mr. President, we have procedures already to stop labor disputes. We have the Wagner Act; we have the Railway Labor Act; we have our conciliation, our arbitration, and our mediation services; we have the Smith-Connally Act; and the President still retains his war-powers authority. Therefore, I think drastic action is not needed at the present time. The rail strike has been settled. We are told that the coal strike is well on its way to settlement. Agreements have been reached in most of the industrial disputes of the major industries, and contracts have been signed for the next year. They have been signed up in the oil industry, the packing-house industry, the motor industry, General Electric, the steel and farm-equipment industry.

In every one of those cases, without a single exception, labor signed on the dotted line and agreed to the decisions of the President's fact-finding board or the Government agency involved. In each and every case the industry itself held out, and in a few of the cases until they were given higher prices. In my judgment, there is a very important matter we should take into consideration at this time, namely, that in these major disputes the workers agreed to the findings of the Government agency which had to do with the case.

Mr. President, there is other comment that is being made with reference to the bill. I have here an editorial from the conservative Washington Post, and the heading is "Drafting strikers." Among other things, it says:

It is a proposal odious at best and violative of a long-accepted democratic principle.

Quoting further from the editorial, I read:

We believe, therefore, that it is needless to supplement them—

Meaning the powers already given to the President—

We believe, therefore, that it is needless to supplement them with the additional power which the President also requested—the power to induct strikers into the Army of the United States.

That points to the amendment submitted by my able senior colleague [Mr. WAGNER], which is the amendment on which we will be voting very shortly. In my judgment it points to the evil which will result unless that amendment be adopted.

Continuing, the Post editorial says, referring to this particular section of the bill:

It would degrade military service by establishing it as a form of punishment.

Mr. President, we do not want that. We should consider that question very carefully and at great length before we disgrace the uniform and disgrace the service, because the conservative Washington Post points out the necessity for that consideration when it says:

If this additional power is needless, then it is certainly altogether undesirable. It would degrade military service by establishing it as a form of punishment. It would be enforceable only through a distasteful, and perhaps brutal, type of coercion; for it does not follow that men can be made to mine coal or run trains against their will merely by inducting them into the Army.

That has been well said by a number of Senators during the course of the debate.

It would entail, insofar as the coercion could be made effective, a discriminatory species of involuntary servitude in time of peace and is therefore of doubtful constitutionality.

The Washington Post says further:

And, finally, it would place in the hands of the President a power over the lives and liberties of American citizens which ought not to be entrusted to any individual. * * * The granting of it would constitute a precedent explosive in its implications. And the precedent, once established, would lie at hand like a loaded weapon ready for use whenever a crisis could be cited as a pretext for dictatorial control.

* * * * *

A great service has been rendered to the Nation in the Senate, we think, by the insistence of Senators PEPPER and MORSE and TAFT and MURRAY—

And after this morning's session they could have added, "and Senators WAGNER and VANDENBERG"—

A great service has been rendered to the Nation in the Senate, we think, by the insistence of Senators PEPPER and MORSE and TAFT and MURRAY that real and serious deliberation precede the enactment of any law so novel and so drastic.

The editorial concludes:

A government made too powerful is at least as perilous as a government not powerful enough.

Mr. President I ask unanimous consent that the entire editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DRAFTING STRIKERS

The drastic labor legislation urged upon Congress by President Truman was designed to meet a national emergency. The criterion which must be applied in judging it, therefore, is this: Are the powers requested by the President necessary? Will nothing less serve to overcome the crucial threat to the national economy? No American who cherishes the free traditions of this society can relish the imposition of stringent governmental controls upon labor. Such controls can be justified only by genuine necessity and only to the extent that they are indisputably required for protection of the general welfare. It is in this light, we think, that the proposal to draft into the armed services men who strike against the Government ought to be conscientiously examined. For it is a proposal odious at best and violative of a long-accepted democratic principle.

The coal strike and the railroad strike demonstrated that the self-restraint of men cannot be counted upon to keep them from striking against the authority of their own Government. Since strikes against the Government in an industrial society so integrated as our own are intolerable, the Government must be armed with extraordinary powers to prevent them. The powers which President Truman has requested include the power to seek injunctive relief in the event of strikes conducted against the Government, the power to punish strike leaders by fine or imprisonment, and the power to punish the strikers themselves by depriving them

of their seniority rights. These are powerful sanctions—powerful enough in themselves to break any attempt at defiance of the Government's authority. We believe, therefore, that it is needless to supplement them with the additional power which the President also requested—the power to induct strikers into the Army of the United States.

If this additional power is needless, then it is certainly altogether undesirable. It would degrade military service by establishing it as a form of punishment. It would be enforceable only through a distasteful, and perhaps brutal, type of coercion; for it does not follow that men can be made to mine coal or run trains against their will merely by inducting them into the Army. It would entail, insofar as the coercion could be made effective, a discriminatory species of involuntary servitude in time of peace and is therefore of doubtful constitutionality. And, finally, it would place in the hands of the President a power over the lives and liberties of American citizens which ought not to be entrusted to any individual. It seems to us idle to defend this power on the ground that it would be merely temporary. The granting of it would constitute a precedent explosive in its implications. And the precedent, once established, would lie at hand like a loaded weapon ready for use whenever a crisis could be cited as a pretext for dictatorial control.

Violent actions beget violent reactions. The power to draft strikers sought by the President is a reaction to extreme provocation and to the helplessness of the Government in the face of the recent railroad strike. The granting of this power by the House of Representatives, without debate and almost without consideration, was an expression of extreme anger, not of sober legislative judgment. A great service has been rendered to the Nation in the Senate, we think, by the insistence of Senators PEPPER and MORSE and TAFT and MURRAY, that real and serious deliberation precede the enactment of any law so novel and so drastic. Theirs has been a soundly sobering influence. It has afforded opportunity for reflection. And reflection forces a recognition that nothing less is at stake here than a fundament of our society.

Let us not shatter this fundament recklessly or needlessly. A government made too powerful is at least as perilous as a government not powerful enough. Balance has been always the American watchword. Balance between the powers of the Government and the rights of the people is the key to freedom. Let us preserve that balance now.

Mr. MEAD. Mr. President, there are editorials in newspapers all over the United States. I shall not take time to read any more of them, but they all point out that in this departure from the traditional American voluntary method to the proposed compulsory military doctrine we had better make haste slowly, we had better consider the proposed legislation, and give it the thought and the study it requires.

Mr. President, I have before me the following statement from George M. Harrison, president of the Brotherhood of Railway Clerks; B. M. Jewell, president of the Railway Employees Department, and Elmer E. Milliman, president of the Brotherhood of Maintenance-of-Way Employees:

The common people will not surrender their liberties to satisfy the traditional enemies of the working people.

These recommendations are shocking and, if enacted, will result in nationalization of our basic industries, increase industrial unrest, encourage the growth and development of communism.

GEORGE M. HARRISON,
President, Brotherhood of Railway Clerks.
B. M. JEWELL,
President, Railway Employees Department.
ELMER E. MILLIMAN,
President, Brotherhood of Maintenance-of-Way Employees.
(Representing 1,000,000 nonstriking railroad employees.)

I also have here a telegram from William Green, president of the American Federation of Labor, which reads as follows:

WASHINGTON, D. C., *May 27, 1946.*
Hon. JAMES M. MEAD,
United States Senate,
Washington, D. C.:

I respectfully appeal to the Members of the United States Senate to refer House bill 6578, passed by the House of Representatives Saturday afternoon, May 25, to the appropriate Senate committee for public hearings. Simple justice calls for such action. The proposed legislation transgresses upon the sacred fundamental rights of labor. It provides for the drafting of workers into the armed forces. It restores government by injunction. It provides for criminal prosecution of workers under certain conditions and deprives workers of seniority rights earned over a long period of time. The drafting of workers, the criminal procedure provided for under certain conditions in this legislation is nothing less than the imposition of involuntary servitude. It seems inconceivable that the Senate of the United States would hastily pass such legislation without giving representatives of the workers an opportunity to present facts and information in opposition to such legislation. This appeal is based upon the crying need for the extension of simple justice to millions of workers and the need for maintaining inviolate the sacred fundamental rights of these workers who cherish them as a common heritage.

WILLIAM GREEN,
President, American Federation of Labor.

Mr. President, I hate work stoppages. I want industrial peace, and I will cooperate with my colleagues to bring about, in the traditional American way, the maximum of industrial peace, which I think can be obtained in that manner.

The PRESIDING OFFICER (Mr. HUFFMAN in the chair). The Senator's 15 minutes have expired.

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Ellender	La Follette
Andrews	Ferguson	Langer
Austin	Fulbright	Lucas
Ball	George	McCarran
Barkley	Gerry	McFarland
Brewster	Green	McKellar
Bridges	Guffey	McMahon
Briggs	Gurney	Magnuson
Brooks	Hart	Maybank
Buck	Hatch	Mead
Bushfield	Hawkes	Millikin
Butler	Hayden	Mitchell
Byrd	Hickenlooper	Moore
Capehart	Hill	Morse
Capper	Hoey	Murdock
Connally	Huffman	Murray
Cordon	Johnson, Colo.	Myers
Donnell	Johnston, S. C.	O'Daniel
Downey	Kilgore	O'Mahoney
Eastland	Knowland	Overton
Pepper	Stanfill	Vandenberg
Radcliffe	Stewart	Wagner
Reed	Taft	Walsh
Revercomb	Taylor	Wheeler
Robertson	Thomas, Okla.	Wherry
Russell	Thomas, Utah	White
Saltonstall	Tobey	Wiley
Shipstead	Tunnell	Willis
Smith	Tydings	Wilson

The PRESIDING OFFICER (Mr. MCMAHON in the chair). Eighty-seven Senators having answered to their names, a quorum is present.

Mr. TAFT. Mr. President, I yield 5 minutes to the Senator from Connecticut [Mr. HART]

Mr. HART. Mr. President, I shall vote to eliminate section 7 from the pending bill, although I cannot agree with much of the reasoning on the point which has been expressed. My own reason is that section 7 appears to have been far too hastily drawn, and without sufficiently thinking out the subject. I believe that some such power as that contained in section 7 must eventually be available to the Chief Executive for use as a last resort to meet great emergencies.

Our civilization has grown into a vast machine which has many cogwheels. Some of those wheels are not important, but some bear such relationship to the entire machine that if any one of them does not work the whole machine stops. One of such wheels is the transportation system, which comprises equipment and men who operate the equipment. We can count on the integrity and efficiency of the equipment and of the raw materials. We have found that we can no longer count on all the men who operate it. That situation cannot long endure if we who live in this country are to be secure in our living. There must be a remedy, strong medicine though it may be. It may be a big stick far back in the closet which we all hope will never be taken out. If the other thing does happen, the probabilities are that the power of the big stick will never have to be used a second time.

President Truman has recommended that a joint congressional committee be established to study and recommend new labor legislation of a permanent nature and to accomplish its work within 6 months. I suggest that at least in the first instance such joint committee should confine its field to that phase of labor relations which is represented by section 7 of this bill. That is a new field, whereas all the others have been worked over many times. There has been much work by committees of Congress on all other angles of labor relations. There are 23,000 pages of testimony available to anyone who wishes to study it. Everyone has had an opportunity to be heard. The issues are clear, and are available for anyone to examine. It does not seem to be at all necessary to wait 6 months for a new committee to study those angles of the labor relationships upon which the Senate has been engaged for more than 2 weeks. It has all been gone over before—not hastily, but thoroughly studied.

The situation is quite different as regards the subject of section 7 of the bill. This is a field in which a new joint com-

mittee might well serve. It should serve, and perhaps it should confine its work to that field.

Mr. TAFT. Mr. President, I yield 10 minutes to the Senator from Texas [Mr. O'DANIEL].

Mr. O'DANIEL. Mr. President, when I first entered the United States Senate I introduced legislation designed to correct some dangerous situations which had grown up as a result of certain laws enacted by the United States Congress. I stated on the floor of the Senate that I did not believe this Nation or any other nation could exist as a free democratic government if the law of the land was designed to make one group of our citizens responsible under the law and at the same time to authorize other citizens to fail to obey the law.

I recommended that the Wagner labor law be amended so that the rights of labor would actually be protected, not only against the employer who sought to invade those rights, but also against the racketeering labor bosses who sought through coercion, force, and violence to herd American workmen into unions whether they wanted to join or not.

I stated that in view of the fact that the Federal Government had undertaken the task of regulating every activity of employers and employees within the field of labor relations, the Government go the rest of the way and by law protect employees and employers against the use of force and violence in labor disputes.

I urged the adoption of a constitutional amendment which would provide that no employer be allowed to enter a labor contract the result of which would force employees to join a labor union or would prohibit employees from joining a labor union.

Ever since I have been in the United States Senate I have consistently fought for legislation designed to relieve this country from the threat of the labor union bosses and to protect the legitimate labor unions and the legitimate workmen of this country from domination and from force from any source.

Again and again I have pointed out on the floor of the United States Senate the fact that through the leadership of a communistic element in this country the very foundation of business and the very foundation of organized labor was being undermined. Again and again I have pointed out the fact that the attitude of the Federal Government, as reflected in the National Labor Relations Board and in other agencies of this Government, was building up in this Nation a communistic labor element that sooner or later would wreck the Government itself.

I have warned the people of this Nation and I have warned the United States Senate that the doctrine announced at the Chicago convention of the Democratic Party, that everything had to be cleared with Sidney, was a dangerous doctrine. During the days when the CIO and the Automobile Workers Union and other CIO unions had this Nation absolutely by the throat, day by day strangling the industries of this country, I stated on more than one occasion that the active support of the Federal Government in aiding these Red labor elements in America was striking at the very foundation of government itself and was building up a force which sooner or later would assert itself as actually having more power than the Government has.

Mr. President, we have now reached that day, and the authority and power of the labor bosses to dictate to the American people and to dictate to the Government itself has been asserted. The President of the United States has come before the Congress and has recommended legislation to meet this situation, but in my judgment the legislation recommended is wholly inadequate. It is like applying salve to a wound, but in no sense does it deal with the fundamental which brought the situation about.

I have always been a friend of labor. I have always fought to protect the rights of labor. I have always been against the labor bosses and the labor racketeers. My position has not changed. I want legislation which will make organized labor responsible under the law, the same as all other citizens are. I want legislation which will protect, not legislation which will destroy, the rights of labor. I want legislation which will protect, not legislation which will destroy, the rights of the employer. I want legislation which will protect, not legislation that will destroy, the rights of the great rank and file of the American citizens. I do not believe that even in this emergency anything will be gained by passing legislation which violates so many of the fundamental principles of the laws and the Constitution of this country.

I think the master minds of the Communists and the Reds and the political racketeers are working toward a well-determined plan that will result, if possible, in total Government ownership and operation of every line of business in this country, which is just another way of saying that it will result in the total destruction of free enterprise and free government. I believe that legislation which will encourage the Red elements of the country to promote and to foment strikes, in order that the Government may be forced to take over and operate business, is something we should discourage, not something we should encourage.

I think the correct way to solve the labor situation which the Nation faces today is to solve it by law, not to attempt to solve it by placing more power in the hands of the executive department of Government. I am perfectly willing to vote for legislation, and I have voted for such measures, designed to correct the conditions which have made possible the building up in America of this dictatorship of labor union bosses, but I am not willing to vote for the bill which has been proposed and recommended by the President, as it was originally introduced, for the reason that I think this bill deals with the symptom, rather than the disease, and I think this bill violates the fundamental rights of labor which are the rights which, ever since I have been on the floor of the United States Senate, I have fought to preserve.

What we need in this country is legislation which will make all of our citizens responsible under the law. What we need is the total repeal of this New Deal legislation which sought to make the labor union bosses and the labor union racketeers exempt from all law. That is what has produced the situation we face today. To remedy the situation we face today can be accomplished in one way, and only one; and that is, to correct the causes which brought it about.

Fair and honest collective bargaining between labor and capital is the foundation upon which this Nation rose to greatness. It is the only foundation upon which we can remain a great industrial nation and a free people. The Wagner labor law absolutely repealed the right of collective bargaining, and substituted therefor collective dictation by the bosses of organized labor.

Let us go back to the firm foundation of government by law, with the law applying with fairness and equality to all our citizens. If we do this, then emergencies such as the ones which face the Nation today will not occur in the future.

Mr. TAFT. Mr. President, I yield 8 minutes to the Senator from Wisconsin [Mr. WILEY].

Mr. WILEY. Mr. President, on Monday last, speaking in this body, I presented several questions to the majority leader. They are recorded on page 5804 of the CONGRESSIONAL RECORD, which also shows the majority leader's answers. I ask that they be incorporated in the RECORD at this point, as a part of my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Mr. WILEY. Mr. President, I wish to ask the majority leader one question, if I may have his attention.

Under consideration today is a bill which has been suggested by the President of the United States. I understand that between 800 and 900 notices of strikes have been served under the law. I also understand that the maritime workers have definitely stated, through their leaders, that they will go on strike within a few days. I have also understood that the purpose of the pending bill is to meet a great national crisis. The question which I wish to propound to the able majority leader is this: Are there other factors or facts involved in the present national crisis of which we should be made aware? Is there something in the picture which we should know about, but which we do not now know?

Mr. BARKLEY. Mr. President, if there is anything in the picture which is not known to the public generally, I am not aware of it. I mean that I have no secret information with respect to any impending matter which is not included in what the Senator has referred to, namely, the issuance of eight or nine hundred notices of strikes which are about to occur, and the maritime strike which is set for the 15th of June. I have no information concerning any set of facts which either the President or any one in his executive family, or any Member of the Senate, including myself, has withheld or is withholding from the Senate or from the public.

Mr. WILEY. Is there anything in the international picture which ties up with the internal picture and makes necessary the proposed legislation?

Mr. BARKLEY. Of course, every Senator as well as every other citizen of the country, might draw his own conclusions as to what may be the effect of the present situation on the international situation. The creation of a crisis within the United States which affects not only the welfare, health, and life of the people, but also the power and authority of our own Government to deal with it, would undoubtedly have an effect on the international situation. It would undoubtedly create the impression on the part of other nations that if we cannot act adequately to deal with an internal situation which challenges our Government, we might not be able to deal adequately with an international situation which challenged the authority of our Government. That does not resolve itself around any particular domestic incident or episode. But certainly, if other nations should feel that the United States was without authority or power to deal with its own domestic problems, they would naturally question its power to deal in a broader field.

Mr. WILEY. Then, it is the judgment of the majority leader that by the proposed legislation we are to give to the President discretionary and exceptional power in order that he may meet the present grave emergency. The proposal does not necessarily mean that the President will exercise such power, but that he may exercise it if, in his judgment, he deems it necessary to do so.

Mr. BARKLEY. Precisely.

Mr. WILEY. Mr. President, if all the talk which has occurred on the floor of the Senate has not been of any benefit to the country, I am sure it has brought clarity to the thinking of many a Senator. We are all fairly well agreed on the following propositions:

First, the imperative need of maintaining a Government of checks and balances, so that no group or individual may ruthlessly exercise power to the damage of the general welfare; or, to put it in another way, we are agreed that no individual or group has a right to strike against the Government. I believe that the press has brought that clear conclusion or fact to the minds of the thinking people of the United States.

Second, I think we are all agreed that there is a need for enactment into law of a pro-American labor policy having in mind the rights of labor, the rights of management, and those much neglected rights—the rights of the public. In relation to the second point, the Senate of the United States on last Saturday took a great step forward in bringing about a realization of a comprehensive pro-American labor policy, when it passed the amended Case bill.

At this point I shall state what are substantially its provisions, and I do so particularly for the benefit of those who sit in the gallery. I hope they will pay attention to this statement, because throughout the country there has been gross misrepresentation about the name "Case bill" or "the amended Senate Case bill" A few days ago I had an experience in that connection. A very ardent laborite from my own State came to my office to see me. He was all "het up" over it. I sat down with him and stated to him the points I am now stating. First, I said, "Would you object to a bill which contained a provision for a Federal Mediation Board which would assist in the mediation and voluntary arbitration of labor disputes, and which provided that once the Board had offered its services the employer and the employee would not be able to strike or lock-out during a period of 60 days, during which there would be opportunity for mediation and arbitration?"

He said, "No."

Then I said, "Would you be against a provision in law which authorized special emergency fact-finding commissions to look into disputes involving public utilities and to make recommendations regarding wages, hours, and working conditions?"

He said, "No."

Then I said, "Would you be against making it a felony for anyone by robbery or extortion to obstruct commerce?"

He said, "No."

I said then, "Would you be against a provision which would prohibit the making of royalty payments to unions, except for specified purposes, such as health and welfare funds, which must, however, be administered jointly by labor and management?"

On that point he had the usual argument that if it was too narrow he might be against it, but if it was broad enough he would be for it.

But I said, "Would you agree that the fund should be administered jointly by labor and management?"

He said, "Yes."

I then said, "Would you object to a provision which would make unions legally liable for damages for breach of a contract concluded after collective bargaining?"

He looked me straight in the face and said, "No."

I thrilled to his response. That is a great concept in America—that a contract is a meeting of minds, and that one cannot break it without responsibility.

Then I said, "Would you be against a law that would outlaw the use of secondary boycotts?"

He said, "No."

"Why," I said, "my dear friend, that is all that the Senate version of the Case bill provides."

He said, "Is that so?"

I said, "Yes."

Mr. President, the other night I heard an argument on the radio—generalities, again, but no specific argument on the proposition. There were charges of "antilabor" and "crucifying labor," but they do not prove anything. As I said the other day in this Chamber, calling a man a liar does not make him a liar. There should be proof.

Mr. President, I regret that the Senate version of the Case bill is not a complete restatement of labor policy, but it is a step forward.

There is another need, a third need—for what?

Third, the enactment into law of provisions that will protect men in labor unions against the autocracy and Fascist tactics of the labor bosses.

There recently appeared in the Saturday Evening Post an article entitled, "How to Scrub a Union," by Frank J. Taylor. It is a very illuminating article because it shows how two little fuehrers in San Francisco strong-armed the employers and the union men alike. It cost 8,000 machinists more than $9,000,000 in wages, and, after war production had been interfered with, after suffering had been endured by the men, after an appeal by President Roosevelt had failed, after court action had been taken, after the community had suffered, it required Harvey W. Brown, president of the International Association of Machinists, to clean up the mess.

In my own State some years ago, when the country was calling for war production by Wisconsin's greatest industry, and when men wanted to work, a fraudulent strike vote was "put over." How many lives were lost because necessary war material did not get out to our men, nobody knows. But, apparently, at that time there was no remedy available to either the men, management, or the public. The strike, as I remember, lasted 100 days or more. How many lives in the armed forces of this country were sacrificed because of that condition in the union itself, God only knows. So, Mr. President, I assert that we must add to the pending bill provisions which will prevent men and women in labor unions from being required to respond to the autocracy and Fascist tactics of labor bosses.

Mr. President, I ask unanimous consent that the entire article to which I have referred be printed in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW TO SCRUB A UNION

(By Frank J. Taylor)

San Francisco, which in the past half century has survived just about everything listed in the book of industrial growing pains, recently had a ringside seat to something new—the public scrubbing of a union with a notoriously dirty record. The union was Lodge 68 of the International Association of Machinists. The scrubbing was done by IAM Grand President Harvey W. Brown and his executive council. It was thorough and painfully legal. Though it may be too soon to pass judgment, both labor leaders and employers believe the housecleaning will serve as a shining precedent for coping with irresponsible wildcat strikes and for restoring integrity and democracy to defiant local unions.

The house cleaning had to be handled by the grand lodge because Lodge 68 had fallen under the dictatorship of two business agents, Harry S. Hook and Edward F. Dillon, known locally as the two little fuehrers. "Hook and Dillon" was a term synonymous for trouble in the San Francisco area. The pair had defied their own grand lodge, the War Labor Board, the Federal Conciliation Board, the Navy, the President, and the Federal labor laws. During the war they had pulled the pin on slow-downs and phony strikes in critical war industries, despite the IAM's no-strike pledge. Lodge 68 members who dared protest their tyranny were disciplined by strong-arm methods, by arbitrary fines, and, in some cases, by being driven out of the union, with consequent loss of livelihood. All vestiges of democracy, as guaranteed by the little green book that is the bible and constitution of IAM machinists, had vanished for Lodge 68's rank and file who, like employers, lived in daily fear of punitive decrees from the two little fuehrers.

A deluge of appeals for relief poured in from union men, civic organizations, employers, State officials, and Congressmen, when the grand lodge executive council convened in Washington, D. C., last February. The council adjourned and caught a train for San Francisco.

When the IAM's head men reconvened 5 days later at Whitcomb Hotel, near the San Francisco Labor Temple, they found themselves confronted with one of the most fouled-up situations ever faced by a union international.

Hook and Dillon had dissipated Lodge 68's resources in a 5-months-old strike unauthorized by the grand lodge or by the AFL Central Labor Council of San Francisco. The strike, called with total disregard of the Federal 30-day-cooling-off law, was stalemated and no nearer settlement than when it began. The two dictators were arbitrarily standing on their demand for a 30-percent pay boost from employers, even after other IAM lodges had signed new contracts in Oakland across the bay, in San Jose, Los Angeles, Stockton, Seattle, Portland, and other cities on the basis of an 18-percent increase. Flushed with previous success in laying down the law to employers, Hook and Dillon refused to negotiate or to compromise. The strike had cost 8,000 machinists more than $9,000,000 in lost wages. It forced idleness upon 55,000 other workers in plants whose equipment was dependent upon maintenance machinists, with a total wage and production loss of $140,000,000.

Worse yet in grand-lodge eyes, Hook and Dillon were in close collusion with East Bay CIO Lodge 1304 in a joint strike of shipyard machinists. The shipyard strike tied up scores of ships in San Francisco harbor, vessels commissioned to bring back homesick troops from the Pacific war theater. Finally, Hook and Dillon had figuratively thumbed their noses at the union's venerable officers, who were denied access to the local's membership roll, property and cash, a good share of which was overdue to the grand lodge for fraternal benefits and overhead.

Harry Hook and Ed Dillon were running their own show in their own way, as they lost no time in demonstrating to President Brown and eight other grand-lodge officers when the latter settled into a suite at the Whitcomb Hotel. To impress the membership and the local's bosses, Brown had brought along General Vice Presidents H. J. Carr, of Chicago; Elmer W. Walker, of Cleveland; Roy M. Brown, of Los Angeles; J. L. McBreen, of Salt Lake City; D. S. Myers, of Montreal; S. L. Newman, of New York; Harvey F. Nickerson, of Milwaukee; Earl Melton, of Birmingham, and General Secretary-Treasurer Eric Peterson.

This gathering of the international's top brass impressed everyone but the little fuehrers. Called before the executive council to account for their stewardship, they bristled defiance. Though the strike was wiping out the savings of thousands of workers kept on the bricks for months. Hook and Dillon had held no negotiations with employers for 12 weeks. Following the usual pattern, they were waiting for the employers to come in and sign. To break the deadlock, President Brown proposed that a negotiations meeting be called immediately, with a committee from the executive council sitting in. Hook and Dillon spurned the idea.

Then, to its surprise, the executive council learned that the employers had made an offer to settle the strike on the basis of an 18-percent increase accepted by IAM machinists in other coast cities. The little green book says that the membership involved must have a chance to cast a secret ballot on any proposition like this. Instead, the business agents had "filed" the offer.

When the executive council demand that the secret ballot be taken forthwith, the local bosses refused. To reach the rank and file, President Brown called a membership meeting in the civic auditorium. He planned to explain the executive council's purpose and to take a secret ballot on the employers' offer. The meeting proved an eye-opener and ear-opener to the IAM chieftains.

As he stepped on the platform that Saturday morning, followed by his dignified colleagues, President Brown was greeted with boos and catcalls. He called the meeting to order. Bedlam broke loose. Groups of noisy members planted all over the hall rose with points of order, loosed Bronx cheers, and jostled one another. Ed Dillon and Harry Hook moved about the floor, urging the boys to whoop it up. The great majority of the 3,500 machinists present watched apprehensively, waiting to see who was boss around there. One of the rioters seized a mike on the floor to demand that Brown retire and turn the gavel over to Frank De Mattei, lodge 68 president, and a Hook-and-Dillon stooge. When this motion was made, Hook and Dillon immediately restored order. President Brown rejected the motion, explaining that this was a grand-lodge meeting. Bedlam broke loose again. It lasted for 35 minutes. By that time, Dillon had distributed, to a handful of the faithful, arm bands bearing the words "Sergeant at Arms." The sergeants at arms began, clearing the hall while the near riot continued.

Boiling with anger after this taste of the treatment hitherto reserved for employers and the public, President Brown adjourned the meeting and retired to the hotel. The International Association of Machinists is a sedate, dignified, albeit tough, old union, with a strong fraternal tinge to its conduct. Even when they differ in heated argument, members greet one another as "dear sir and brother." The international president and the general vice presidents were shaken to their very boots. They realized at last that the bad boys of Lodge 68 needed the strongest medicine that the grand lodge could hand out and that what the harassed employers of San Francisco had said was true. Hook and Dillon stood for dictatorship, not collective bargaining.

They knew also that they had to move carefully, legally, and constitutionally, because in Ed Dillon and Harry Hook they were taking on two wily, well-entrenched labor politicians. Hook and Dillon were a strange pair. Nobody understood them. Nobody even knew stocky Dillon, brains of the team. A bachelor, living alone and unostentatiously in a small hotel, he had no friends, no hobbies, except going to church, seldom took a drink, never smoked, spent all his conscious moments living and scheming for his little empire, Lodge 68. Usually quiet and morose, he could mount a rostrum, peel off his coat, slam it on the floor, snap his suspenders, and loose a spell-binding talk that swept a meeting off its feet.

Harry Hook was something else again. Father of two boys in the service, he was garrulous, shifty, friendly, but tough. "Harry will belly up to a bar with anybody," is the way both union men and employers described him. When they knocked over employers, Hook and Dillon called as a team, one taking up where the other left off talking. They were affable and polite, and their talk was so much soothing sirup. It always ended with a gesture toward a contract or a memorandum slapped on the employer's desk. "We want this, or else," was their byword. "Or else" meant that they would pull the machinists off their jobs the next morning. In San Francisco and on the peninsula, where few plants had more than a handful of mechanics, but employed many other workers dependent upon mechanics, the strategy had worked like magic. Over a period of years, Hook and Dillon had jacked up wages until San Francisco's machinists were among the highest paid in the country.

When the war broke, the twain recognized the golden hour to do still better by their members. Lodge 68 was unique among unions in that it was an economic octopus with tentacles in nearly every industry in the area. Not only were the uptown shops—the group of industries in San Francisco engaged in metal work—dependent upon the lodge for skilled workers; so likewise was another group of so-called fringe shops which needed maintenance machinists. The fringe shops included a variety of industries—can companies, sugar refineries, apparel factories, newspapers, lithographers, and food-products packers. Whenever Hook and Dillon pulled the pin on an overnight quickie strike to back up arbitrary demands for an upgrading or pay boost or work limitation, it meant a tie-up for dozens, or hundreds, or thousands, of these workers. Even if the employer could keep his machine going, the other workers usually hesitated at passing through the raucous Lodge 68 picket line at the gate.

How the system worked is best illustrated in the wartime production hurdles set up by Hook and Dillon for an employer such as National Motor Bearing Co., of Redwood City, 28 miles south of San Francisco, but in their domain. National's experience is typical, except for one unique distinction—Ed Dillon once worked for the outfit as a die maker for 2 weeks, until discharged for lack of skill in the craft. Dillon has been tough with National since it came under his protective wing.

The business was launched in a tiny San Francisco shop 25 years ago by Lloyd A. Johnson, to manufacture shims and oil seals for the local automobile industry. Making a better oil seal, Johnson soon found himself in business on a Nation-wide scale. His business outgrew two larger shops in San Francisco, then moved to Oakland, where he took a still larger factory, built up his pay roll to 500, producing oil seals and shims by the millions, largely for shipment east to the automobile industry. In 1941, he decided to build a model plant at Redwood City, where his employees could work under better conditions and live in the country, a move that wasn't entirely altruistic; Johnson figured the only way he could compete in the Detroit market with products manufactured on the Pacific coast was in a plant whose workers produced more efficiently.

Soon after he opened his Redwood City plant, moved his skilled employees and located them in homes in the country, operating busses for those who preferred to commute from Oakland, Johnson's labor headaches began. The new factory was swamped with war orders—seals and shims for trucks, jeeps, tanks, bombers, gun mounts, ducks and water buffaloes, war planes. Since the company was second largest of five in the country making those essential parts for war machines, it immediately became a critical bottleneck industry.

In Oakland, the company's contracts were with a tool-and-die-makers lodge, 1507 IAM, and the United Automobile Workers. Ninety percent of the employees belonged to the UAW, a CIO affiliate, but the punch presses they operated and the dies for the presses were made by machinists who belonged to the AFL. But in Redwood City, Hook and Dillon claimed jurisdiction over the machinists. Lodge 1507 relinquished them to San Francisco Lodge 68. National signed a temporary contract with Hook and Dillon, since both management and the business agents agreed that changes, based on experience, would be necessary when the agreement was renewed.

In 1943, Hook and Dillon slapped on Johnson's desk a new contract. It carried an escalator clause calling for automatic increases in ratio to the cost-of-living index; something no other plant in the area had been asked to pay. The demand caught the plant between the traditional upper and nether millstones, because wages had been frozen by the War Labor Board, which forbade unauthorized increases for the duration on penalty of heavy fine.

The company attempted to negotiate. Hook and Dillon stood by on their "sign this, or else" tactics. In desperation, the company appealed to Dr. John R. Steelman, Director of the United States Conciliation Service. Steelman assigned a commissioner to the dispute. When he called the management and the union bosses together, the latter refused to meet for any purpose but the signing of the contract as they had written it. The day before the deadline set for the signing, they posted a notice in the plant advising machinists: "You are instructed to terminate and report to the office of Lodge 68 for assignment to other jobs under union conditions." On the Monday following the 44 machinists walked out.

STRIKE? STRIKE? WHAT STRIKE?

There followed a tragedy which would have been a comedy had it not been so serious to war production. Hook and Dillon naively insisted that there was no strike. The machinists had merely quit their jobs. The War Labor Board investigated, decided it was a strike and sent individual telegrams ordering the men back to work, promising them the protection of the Government in case of punitive action by the union. It also directed Hook and Dillon to order the men back. Instead, the business agents wired the machinists, instructing them to stay out of the plant to protect their good standing in the lodge. President Roosevelt appealed to the men to go to work. So did the Navy and the Army. Twenty-two men defied the business agents and returned to their jobs. The others, frightened, stayed away. Ernest A. Zeller, oldest employee of the company and most valued and skilled tool-and-die worker in the plant, and an ardent labor-union man, told Johnson, as he checked out, "I know what you're in for, and I'm not going through trouble with Hook and Dillon."

Those who came back to work paid through the pocketbook. All 22 were called on the carpet of Lodge 68 and fined from $100 to $250 apiece. The three men who paid the top fine were accused of advocating transfer from Lodge 68, IAM, to Lodge 504, IAM, in San Jose. When the company undertook to reimburse the men the amounts of their fines, Hook and Dillon registered a complaint with the Wage Stabilization Director of the War Labor Board. The latter called Johnson, who had already paid four fines, to warn that, if he paid any more, each case would be construed as a wage increase and subject to a $10,000 fine.

The machinists who were merely fined got off easily. One, Richard F. Tuttle, who had the temerity to admit that he had circulated a petition to the grand lodge, IAM, for transfer from Lodge 68 to Lodge 504, was tried for "conduct unbecoming a member," expelled and forced off the pay roll. Tuttle found another job in a garage. The garage owner was advised to let him go, "or else." A home shop which Tuttle had set up in his back yard was smashed, including a lathe, a press, and other equipment in which he had invested his savings. After being hounded from two other jobs, Tuttle went to sea to escape the punitive fury of his former labor leaders. The protection of the Government, which the War Labor Board promised him in a telegram ordering him back to work, never materialized.

In an affidavit, later introduced in the CONGRESSIONAL RECORD by Representative JACK Z. ANDERSON, Tuttle told how, at his trial before Lodge 68, he had protested work stoppages on parts for B-25 bombers that were seriously injuring the war effort.

Dillon asked, "You would place your country before the union; is that correct?"

"Yes," said Tuttle. "My country comes before the union."

"That is a very poor attitude," retorted Dillon.

Though Hook and Dillon insisted that no strike existed at the National Motor Bearing Co. plant, Johnson soon found plenty of signs of a strike. One was a "hot cargo" embargo. The 22 machinists who returned to work could keep the stampng machines and other equipment in running order, but they were unable to make the dies needed for these machines. Johnson ordered them from other manufacturers in the area—Stanger Manufacturing Co., Larkin Specialty Manufacturing Co., Friden Calculating Machine Co., Cook Research Laboratories, and Rheem Manufacturing Co. All promised to make dies for National. Then, one by one, the managers telephoned to say that their plants were threatened with strikes if their machinists touched any work destined for National Motor Bearing Co. To keep war production going, Johnson finally had to get the dies surreptitiously outside northern California.

Meantime, the Tenth Regional War Labor Board decided that the walk-out was a strike in defiance of IAM's no-strike pledge, Hook and Dillon to the contrary notwithstanding. The company's officers were summoned before Thomas F. Neblett, War Labor Board regional director, so were the Lodge 68 business agents. The management appeared with evidence; Hook and Dillon ignored the summons. The board heard the company's side of the story, nothing from the union. As a last resort, the Navy seized the plant and operated it, summarily firing the troublemakers. Forbidden to enter the plant by the Navy, Hook and Dillon called shop stewards to the gate to receive their orders.

These incidents were not exceptional. Other plants in the area, groaning under war orders, ran into similar obstacles set up by the busy Lodge 68 business agents. In March 1944, Hook and Dillon announced that thereafter no machinist could work more than 48 hours a week, no matter what the emergency, on penalty of fine or loss of his union card. In the Federal-Mogul plant, making bearings for ships, a group of machinists worked more than 48 hours in defiance of the decree. Hook and Dillon immediately struck the shop, stopping all work. At once the Navy seized Federal-Mogul and three other critical plants, Enterprise Engine & Foundry Co., U. S. Pipe & Foundry, and Link-Belt, forbidding organizers to enter them. Lodge 68 retaliated by organizing slowdowns in other shops, instructing members to "spread out" vacations, after the allotted 2 weeks were up—at a time when American fighters in the Pacific needed everything to turn back the Japs. To cope with these tactics, the Navy instructed Capt. H. K. Clark to seize 99 other plants dominated by Hook and Dillon. Lodge 68 promptly filed two injunction suits to restrain the captain from an alleged "reign of terror." The Federal judge threw the suits out, with biting tongue-lashings for the Lodge 68 strategists.

UNHOLY ALLIANCE

The two little fuehrers bided their time. After VJ-day the Navy turned the plants back to their owners. Without delay, Hook and Dillon began calling at shops and plants. They were affable, ready to do business, but to each employer they said, "Gentlemen the Navy is out, and the time has come to pay." The contracts on which they demanded signatures without negotiation called for 30-percent increases in wages, 2 weeks' vacation on pay, straight-time pay for 9 holidays a year on which shops were closed, and a guaranteed weekly income. East Bay CIO Lodge 1304, whose members worked largely in the shipyards, presented identical demands, and the Lodge 68 business agents notified employers that they and representatives of the CIO union would bargain jointly.

This was a major political error. The grand lodge, IAM, rose in wrath at collusion with a CIO union and withheld sanction of the strike. It also refused financial support. So did the AFL Central Labor Council, of San Francisco. Employers offered a 10-percent wage increase, later boosted to 15 percent, and prepared for a long-drawn-out strike. The public soon began to feel the tentacles of the Lodge 68 octopus, which reached into nearly every industry in the area. Dairies were unable to deliver milk because the lodge had thrown a picket line around the American Can Co. plant which made the milk cartons. Housewives frantically hunted glass bottles, because stores put up "no bottles, no milk" signs. A coffee shortage followed, because coffee-roasting plants were picketed when their maintenance machinists quit under orders. A big men's-work-clothing factory closed, throwing 300 out of work, because two machinists were on strike.

At Sunnyvale, the strike closed the Joshua Hendy Iron Works, as it was set to launch postwar production. The Hendy case was an interesting violation of the IAM's constitution. In the little green book, provision is made for membership in the union of machinists, automotive and aircraft mechanics, specialists, helpers, apprentices, and production workers. This is known as classification. Other IAM lodges recognized classification, but Hook and Dillon refused to do so, insisting that specialists and production workers in plants like Hendy's be rated as either journeymen or maintenance machinists, at top rates, even though they handled repetitive jobs calling for little or no skill. The Hendy management was forced to transfer $1,500,000 worth of orders to Southern California and Alabama plants. Of this sum, approximately $600,000 would have been paid in wages to workers who, ironically, did not belong in the Lodge 68 jurisdiction, but were kept from transferring to San Jose local in which they worked and lived by the arbitrary stand of Hook and Dillon.

For Hook and Dillon, this industry-wide strike was a reversal of strategy. Up to this time, they had negotiated with employers, plant by plant. The 30-percent wage increase demanded of all plants using machinists drew San Francisco and Peninsula employers into a united front. The strike dragged on without negotiations, because Hook and Dillon contended there was nothing to negotiate. The one and only way to end the strike was for the employers to sign the contract as written.

This was the costly stalemate confronting President Harvey Brown and the IAM executive council when they adjourned to the hotel. After being booed out of the meeting at the Civic Auditorium, they were outside looking in, because Hook and Dillon held the Lodge 68 records, the keys to headquarters, and the lodge checkbook. Fortunately, Secretary-Treasurer Peterson had farsightedly brought along a batch of envelopes addressed to the 8,000 machinists in the union. The executive council used these to poll the machinists on the employers' latest offer—the across-the-board pay raise which Hook and Dillon had "filed."

While the ballots were in the mail, the aroused grand-lodge officers wielded the broom. Lodge 68 officers were summoned to show cause why their charter should not be suspended. When they ignored the summons, the lodge tried them in absentia, as provided for in the IAM constitution. The executive council suspended the charter. President Brown and his staff took over affairs as receivers.

Hook and Dillon still held the keys to lodge headquarters in the Labor Temple and were in possession of the lodge's property and the chapter roll. The grand-lodge officers formally demanded that Hook and Dillon turn them over. The business agents refused. Both sides resorted to court action. The judge ruled in favor of the grand lodge. Armed with a court order and accompanied

by police, President Brown and his staff again invaded the union's sanctum. Hook and Dillon accepted the court order. The first act of the grand-lodge officers, as receivers for the lodge, was to have the locksmith they had brought along change the locks on all the doors.

Meantime, the ballots coming back by mail indicated a 9-to-1 sentiment for ending the strike on the employers' "15, 6, and 2" offer. This meant a 15 percent wage increase, 6 paid holidays, and 2 weeks' vacation on pay, a combination that added up to about an 18 percent increase. The executive council opened negotiations with the employers' associations and, after 2 days of bargaining, signed a contract giving the machinists an 18 percent increase across the board, with a 1-week vacation on pay. For die-and-tool-makers, this meant a 28-cent increase to $1.81 an hour; for journeymen machinist, a 23-cent increase to $1.51 an hour. The settlement was on a basis higher than that recommended by the President's fact-finding boards and still higher than employers were paying machinists in other Pacific coast cities. The grand-lodge officers declared the strike ended.

The strike was over, but the machinists were not back on their jobs. Neither were the 55,000 other workers kept out by pickets. Nor were the picket lines wiped out. At a Sunday-morning meeting in the Coliseum, called by Hook and Dillon, the 2,200 machinists present voted first vocally, then by a showing of hands, to continue the strike. They also voted to secede from the International Association of Machinists and form Machinists' Union No. 68, Independent. Hook and Dillon set up offices in a club near the labor temple and ordered the machinists to ignore the grand-lodge instructions to return to work. They also assigned pickets to the struck plants and shops.

The show-down of strength was to be on the following Monday morning when the shops and plants opened. Police chiefs mustered squads to maintain order. A preview at the Hendy Iron Works in Sunnyvale occurred 3 days before the grand opening. The grand-lodge officers had transferred the Hendy workers to the jurisdiction of San Jose Local No. 504, where it belonged, but where Hook and Dillon had refused to let it go in the wartime heyday when Lodge 68 was collecting dues from more than 5,000 workers. Lodge 504 signed a contract with Hendy and cleared the new members for work immediately. When they appeared, a Hook and Dillon picket line barred the gate. The Hendy workers, largely country people who own homes and little farms in the area around the plant, jostled the pickets out of the way and pushed through the gate. Whereupon, to everyone's amazement, most of the pickets removed their arm bands, fished Hendy badges out of their pockets, pinned them on their jackets and went to work. By the end of the day there was one lone Hook and Dillon picket at the gate. The next day he was gone and the Hook and Dillon party line had changed. They urged all machinists to get back to their jobs, so they could vote, when a National Labor Relations Board election is held, against the IAM. Soon after they set up their independent, Hook and Dillon petitioned the NLRB for elections in five breweries and a cannery, "fringe shops" employing several score maintenance mechanics. The election, if allowed, will reveal whether or not the independent is a factor in San Francisco industry, or the dying gasp of the Hook and Dillon era.

The clean-up wasn't over. With the shops and plants reopened, the grand-lodge officers again turned their attention to Hook and Dillon. The two little fuehrers were again summoned to show cause why they should not be expelled.

Once more the pair ignored the summons. Again they were tried in absentia, expelled and fined $1,000 each. The fine must be paid before they can get IAM union cards again. Without them they cannot work as machinists in closed-shop areas.

Along with other troubles, the grand-lodge heritage from their recalcitrant lodge was a batch of hot spots—a score or more of shops and plants in which employers by circumstance had been picked off by Hook and Dillon and forced to sign the 30 percent contract. These were largely plants employing 2 to 10 machinists and hundreds of other workers in other crafts. The city's newspapers were among them. In their dealings with the employers' association, the grand-lodge officers had promised to see that machinists employed by these shops received no more than the bay-area scale. This forced the IAM officers into the unpleasant task of asking the machinists to take less than Hook and Dillon had secured for them. Under General Vice President Roy M. Brown, of Los Angeles, left in charge when the rest of the executive council returned to Washington, the IAM has kept its word. One by one, the hot spots are being cleared up by renegotiation downward.

The rebel independent set up by Hook and Dillon functions from quarters set up in a tavern. It claims some 800 members, and hopes to bag more if an NLRB election can be called. In another court injunction won by the IAM, Hook and Dillon were restrained from using the term "Lodge 68" in the name of their independent. It may remain an independent or petition to join the CIO. Fifty-five hundred machinists have signed the loyalty pledge to the IAM and have been cleared for work. Somewhere, 1,700 machinists are missing, probably driven out of the area by the long strike. But those who did swarm back to work were in there pitching. Production hit a new peak. "The whole atmosphere has changed," was the report of employers.

When order had replaced chaos, Vice President Brown, of the IAM, was talking with a group of California employers. Brown explained that the IAM recognized its responsibilities, respected the opinions of employers and hoped to iron out the differences by collective bargaining.

"We've spent half a century building up the principle of collective bargaining," he said. "The Lodge 68 business agents were tearing down all we've built up by dictating to employers in this area. How can we expect you to believe in collective bargaining if we ourselves don't practice it?"

Mr. WILEY. Mr. President, the fourth need is to place on the statute books, in this atomic age, legislation which will make it possible for government to take appropriate action in any emergency. In other words, the age calls for alertness, and what is more, alertness calls for emergency powers being brought into being during any emergency. In other words the Republic must be adequate. We must demonstrate prescience. Without foresight of this character now, we will be remiss to the Republic.

The President has called for the exercise of temporary power in this critical period. I am sure appropriate legislation can be drafted. It would not only give the Executive power to meet a general strike or a lesser strike which threatened the public interest, but it would give him power to meet any other emergency which might arise in this changed world.

There are those who would fear such legislation. A decade ago I would not have been in favor of it, because I could see no reason for it at that time. But in this tremendously challenging period, I would not "worry along" as the Senator of Florida [Mr. PEPPER] would. I would have available and ready for any eventuality every instrument which, with foresight, I could bring into being.

However, as indicated by the majority leader the other day, when I asked him certain questions prefatory to my remarks today, there is nothing in the domestic picture, or in the international picture, which we do not know. In view of such assurance on the part of the majority leader, I shall vote to remove section 7 from the pending bill. As has been suggested by many of my colleagues, I hope that it will be but a short time——

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired.

Mr. WILEY. May I have one more minute?

Mr. TAFT. I yield one more minute to the Senator from Wisconsin.

Mr. WILEY. I hope that within a short time adequate legal provision will be placed on the statute books which will enable the Government to meet any emergency which may arise.

Mr. BROOKS rose.

Mr. TAFT. Mr. President, I yield 5 minutes to the Senator from Illinois.

Mr. BROOKS. Mr. President, today I received one of the most tolerant telegrams which I have received from either management or labor in connection with the present crisis. It reads as follows:

CHICAGO, ILL., *May 28, 1946.*

Hon. C. WAYLAND BROOKS,
United States Senate,
Washington, D. C.:

In the name of the Illinois State Federation of Labor and more than three thousand local unions connected with the American Federation of Labor within the borders of Illinois, we respectfully and urgently request that you take steps to provide hearings for representatives of labor on H. R. 6578 now being considered in the Senate. That bill provides for extremely dangerous antilabor legislation. During the first half of the life of our great Nation, our people were torn by heated discussions on the subject of slavery, which is simply another name for forced labor. After about 90 years the question was settled by the ratification of the thirteenth amendment to the Constitution, forever prohibiting involuntary servitude under the American flag. The State of Illinois, your State and our State, which gave to the Nation the great leadership of the immortal Lincoln, was the first of the States to ratify that great constitutional amendment. We should lead now in an effort to maintain its full integrity and force against the danger of the blight of forced labor again being initiated under the flag of our Republic. We know that these are trying times and that Congress is troubled with great problems calling for earnest attention, among which are labor issues of great importance. That very fact is of itself evidence for the need of thoughtful patience on the part of the leaders of our Nation as well as the people in general. Legislative errors made now are certain to have grave consequences in the future. When the Declaration of Independence was written, we began our journey toward the highest degree of individual freedom ever reached by any people throughout all history. A few years later, one of the great purposes of that declaration was given definite legislative expression against involuntary servitude in article 6 of the famous ordinance of the Northwest Territory, following the recommendation of Jefferson a few years earlier. The great glory of America is that the action thus taken was part of the original plan for human freedom. The author of both the Declaration and the

ordinance was the great Jefferson. The progress was slow and tortuous for a good part of the time and we have not yet reached the era of safety against legislative actions containing slave proposals. As witness of this, we point to the fact that only a few years ago the United States Supreme Court found it necessary to invalidate certain State statutes because they tended to establish peonage. Nevertheless we have made tremendous progress. We now express the earnest hope that because of the difficulties arising out of the war for the freedom of the people of the world our governing authorities will not now sacrifice the freedom of the workers of America. We look to you as our representatives for help in this emergency.

ILLINOIS STATE FEDERATION OF LABOR,
R. G. SODERSTROM,
President,
VICTOR A. OLANDER,
Secretary-Treasurer.

Mr. President, I commend the officers and members of the Illinois State Federation of Labor upon their attitude and their approach to the present problem, and I shall vote to remove section 7 from the pending hastily considered bill which was brought before the Senate without any hearing having been held with reference to it, and in the form of emergency legislation after we had taken many days and weeks to consider a measure by which we were to give money to foreign countries at a time when some of us wished to consider deliberately labor legislation.

I shall vote against section 7 for another reason. The most historic capital of freemen in the world is Washington, D. C., the tomb of the Unknown Soldier, and the memorials to Washington, Lincoln, and Jefferson which stand as mute testimony to the fact that this Nation could never have been made free if men had not been willing to sign away or fight away their lives. I consider it to be one of the greatest honors in my entire life to have had the privilege of wearing the uniform of my country against its armed enemies. I regard that uniform and my honorable discharge from military service as among my most valuable possessions. I prize it as evidence of the fact that I served honorably with millions of other Americans in the cause to which I have referred. I shall never vote to permit the uniform to be used as an instrument of punishment or to force men to labor in this Nation for whose freedom so many millions have been willing to die.

Mr. TAFT. Mr. President, I yield 10 minutes to the Senator from California [Mr. KNOWLAND].

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). The Senator from California is recognized.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr SHIPSTEAD. I merely wish to state that I raised the issue and expressed my opinion of section 7 in the meeting of the Committee on Interstate Commerce. I shall not take the time to repeat here what I said about it. I seconded the motion to eliminate it, and voted to reject it.

I may state that I think the motion to strike speaks for itself to anyone who has read section 7. I intend this afternoon to vote for the motion to the end that section 7 may be stricken from the bill.

Mr. TAFT. Whatever time has been taken by the Senator from Minnesota is charged directly against our side. I now yield 10 minutes to the Senator from California.

Mr. KNOWLAND. Mr. President, so long as we have constitutional government, it is the responsibility of the Congress to study proposals such as that recommended by President Truman, and to amend or eliminate provisions which in the judgment of the Congress are unconstitutional or unsound.

Mr. President, I shall oppose section 7 of the pending bill. This is what the New York Times said of this provision in an editorial a day or two ago:

> The new bill further provides that in the President's proclamation of a national emergency at the time of seizure, or in a subsequent proclamation, he may declare that any person who fails to return to work shall be inducted into the Army "on such terms and conditions as may be prescribed by the President." This could mean that such persons would be put in uniform and forced to work at Army pay next to workers working at regular pay; that such persons, moreover, could be sent anywhere in the country, and, if they still refused to work, court-martialed and imprisoned. Passing over the violation involved of the constitutional provision against involuntary servitude, one wonders whether such a power could seriously be enforced in a democracy. The probabilities are that this provision is intended to be rhetorical: that it is intended to be a threat which, it is hoped, will never have to be put into execution. But for the Government to put into a law a more drastic penalty than it ever dares to enforce is dangerous business.

It seems to me, Mr. President, that our task is to develop legislation which will protect the fundamental rights of labor and collective bargaining; but collective bargaining was never meant to be collective bludgeoning.

The economic structure of the Nation and the stability of our Government were challenged last week. On that issue there can be only one answer. No man or group of men, no organization, is bigger than the Government of the United States. Never again must any group use the power which has come from the Nation to endanger the public welfare, the health and safety of 140,000,000 of our countrymen.

Mr. President, in his farewell address on September 27, 1796, President George Washington said:

> This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. * * * The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

Mr. President, I strongly believe that there is a better way of solving international disputes than by war and that there is a better way of solving economic disputes than by costly industrial warfare.

Mr. TAFT. Mr. President, I yield 20 minutes to the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Mr. President, I realize that it is difficult for the Senate and the country to consider this far-reaching and unprecedented piece of legislation with the calmness, the judgment, and the impartial weighing of all the factors involved, because of the strikes which have occurred, and which have affected the entire economy. Nevertheless, I feel that it is the obligation and the duty of every Member of the United States Senate to give thoughtful, calm, deliberate, and dispassionate consideration to the issues here involved, because in a peculiar sense the Congress of the United States is responsible to the people for the protection of their fundamental human liberties guaranteed by the Constitution of the United States.

All recent history demonstrates that it is easy enough for a legislative body to surrender the rights of the citizen to the Executive. All recent history likewise demonstrates that it is often impossible to recover those rights. The road to totalitarian government seems to be a one-way highway. There seems to be no indication that the legislative arm of the Government ever recovers the rights of the people once they are given to the Executive. We have seen that situation in the Axis Nations; we have seen it in Soviet Russia.

I do not believe that it is an exaggeration to say that the Senate has never, certainly not since the Civil War, had to consider a more fundamental or far-reaching domestic issue than the one here presented today.

In times of passion, in times when animosities are aroused, it is difficult to realize that these human rights, these liberties, which were so hard-won and are written into our Constitution, are indivisible. They cannot be separated. We cannot curtail the rights of one group of the population without endangering the sacrifice of those rights ultimately by all citizens of the Republic.

It is clear from a reading of section 7, which the Senate is now considering, that my statement is well founded. It is proposed in section 7 to utilize the plenary power of selective service against not only labor but against management as well. I think it is significant that running all through this measure is a futile effort to balance it by trying to make it all-inclusive in the exercise of the power therein sought to be obtained.

Mr. President, I spent more than 4 years, as chairman of a subcommittee of the Senate Committee on Education and Labor, investigating violations of civil liberties and undue interference with the rights of labor to organize and bargain collectively. Those hearings run to some 70 volumes of testimony and exhibits. I was impressed, as the chairman of that subcommittee, with the importance of civil liberties and with the proposition which I have enunciated here today, that the moment we strip any particular group of citizens of their rights and liberties, we endanger those rights, nay, we make it almost certain that those rights and those liberties will be impaired so

far as other citizens of the community are concerned.

The proposition to utilize the plenary power of the selective-service law as a means of securing forced labor in the United States of America is to me a shocking proposal, one which violates the fundamental liberties of the people of this Nation. Once we have granted that power it is not enough to say that we do not expect it to be utilized, because should another crisis arise and that power remains in the hands of the President of the United States it will indeed be a strong man who can resist the public clamor and pressure which will be upon him to utilize that power.

Mr. President, I ask the Senate to envision what will be the consequences if such an unfortunate occasion should occur. Men are on strike exercising their fundamental right to refuse to labor for a corporation or a group of corporations. The President decides to induct them into the armed forces of the United States. Under the provisions of section 7 he may do so under his own terms and conditions, with or without an oath of allegiance to the United States. Let us assume that the men are inducted. They are put into the uniform of the United States Army, and then they are ordered back to work. We must envision the possibility that under certain circumstances American citizens will refuse to obey that order. Then, Mr. President, it seems to me that only one result can follow. There will be no turning back then. Whatever power is necessary must be applied or sought to be applied in an effort to get obedience from men who have been inducted into the service of the United States Army. The consequence will be widespread bloodshed or there will be thousands of men committed to concentration camps for their failure to obey such an order.

What will be the effect, Mr. President, upon the standing and the prestige of the Army of the United States if it shall be utilized in such a fashion? The morale and the dignity of the armed forces of the United States are too precious and too vital in these critical days of the Republic to permit them to be undermined by a situation where large segments of the population may find themselves compelled in obedience to their belief in fundamental rights to refuse to obey the orders issued to them. Bloodshed or imprisonment will result.

I say, Mr. President, that, in my opinion, if that power is ever exercised and the unfortunate events which I have described take place, the morale of the Army will descend to a new low, and there will be turned upon it the prejudice—nay, the hatred—of millions of men and women who feel that its high ideals have been prostituted to the purpose of enforced labor in the United States.

Mr. President, I recognize that the issues which confront us in connection with this legislation are of great magnitude. I concede that there is a point beyond which the exercise of the right to strike may not be permitted to go. I recognize that the Government cannot tolerate a strike against itself which paralyzes its power and threatens its existence. After all, we do recognize, and have always recognized, that certain of these liberties which stem from the Constitution are subject to regulation. They are subject to abridgement when there is a situation that compels their abridgement. We recognize, for example, that in time of war the privilege of free speech cannot be permitted to be exercised when it threatens the existence of the Government—when it threatens to be disloyalty in the form of utterances which may bring aid and comfort to an armed enemy.

But, Mr. President, in time of peace we should proceed very cautiously down the road toward the curtailment of those rights. I firmly believe that there has been no demonstration—there has been no evidence—that we are faced with the necessity of abridging the right of men to refuse to work to the point where they can be inducted into the armed forces of the United States—those forces to be utilized as a method of punishment, as a method of putting men, so to speak, in a chain gang where they will be compelled to labor under conditions of peonage and coercion. I assert there has been no justification advanced for such a proposal.

Other powers contained in this bill will later be the subject of further discussion and deliberation. It seems to me that we should not hesitate at all in our determination to cut section 7 out of the bill, notwithstanding the statement of the able majority leader that he regards it as the heart of the measure.

Mr. President, we have not reached the point where we must yield to any President of the United States the right under his own terms and conditions to draft men into the armed forces, not for the purpose of defending the Nation, not for the purpose of spreading the obligation of service in the armed forces against the enemy, but, forsooth, under the naked proposition of compelling them by Army dscipline and by the threat of armed force to enforced labor and involuntary servitude. I think that the growing utilization of forced labor in other parts of the world is one of the great menaces to the free existence of free men on this globe. It would indeed be a sad day in the history of this great democracy if we were to embark upon the utilization of enforced or slave labor in this Nation. And I say that when all the husks are stripped away from it, that is the proposition which is to be found in section 7 of this measure.

In closing, I desire to repeat what I said at the outset. Fundamental human liberties are the warp and woof of the democratic process. All history proves that they are indivisible; that once an attempt is made to strip one segment of the population, or one group, or one class, of their liberties, it endangers and threatens the liberties of all.

I want to reemphasize that it is easy enough to yield up these powers to the Executive in a time of stress and hysteria, but recent history demonstrates that it is difficult, if not impossible, to recover those rights once they are relinquished. And I assert, Mr. President, that there is just as much, if not more, danger in a democracy from a government which has too much power as there is from one which has too little.

I contend that in the deliberations over this measure we are not in an atmosphere or environment in which we can weigh these delicate decisions as we should. Nevertheless, so far as I am concerned, I will never be willing to give the Executive the extraordinary dictatorial and plenary power which it is proposed to give him in section 7 of this bill. I think it violates fundamental constitutional rights. Moreover, I think it would result, if it were ever enacted into law, in the degradation of the armed service of the United States from which it would be difficult for that honored service to recover.

For these reasons, briefly stated, I shall vote to strike section 7 from this measure.

[Manifestations of applause in the galleries.]

The PRESIDING OFFICER. Let there be order in the galleries.

Mr. TAFT. Mr. President, I yield 20 minutes to the Senator from Indiana [Mr. WILLIS].

Mr. WILLIS. Mr. President, ever since VJ-day this country has been in the throes of a labor crisis. The railroad strike of the past week-end was the most critical in all our history and climaxed a series of labor disputes that broke out as soon as the last shot was fired in the Pacific. Yet not a single step had been taken by the administration during the intervening 9 months to eliminate the causes for labor strife. In fact, the administration has been encouraging labor leaders to seek greater and greater concessions from management regardless of their effect upon the economy. The President, not 7 months ago, announced that strikes "are not serious." He described them as "a blow-up after a let-down from war," though he did realize that "we still have a few selfish men who think more of their own personal interests than they do of the public welfare." The President assured the country that they were not going to prevail.

Nevertheless, today labor disputes are primarily responsible for the fear with which this country faces the future. Strikes are holding us back when we should be plunging boldly ahead. Strikes are causing America to stand still when it should be leading the world in production on the road to peace.

There is hardly a problem that is not being accentuated by the inability of the administration to bring the strike situation under control. For example, avoiding inflation is one of our principal immediate economic problems. Mounting costs of living concern every American. Increased production at lower cost is the real answer to the threat of inflation; yet labor disputes have kept factories and mines closed, have disrupted marketing and distribution, and have virtually paralyzed this Nation. The inability of the administration to deal realistically with the labor crisis is the principal explanation for rising costs of living; and they will continue to rise until we formulate intelligent labor policies.

There can be no misunderstanding the public's temper concerning the recent

wave of strikes. The people are frightened. Their mood is against further temporizing with the problem. Last week end they realized for the first time the extent to which overzealous labor leaders could impose their will upon all the people in an effort to force acceptance of their demands. It was forcefully brought home to them how a few labor leaders could bring this country to a standstill.

The people want no more interference with production. They want this country to get along. They need and want housing. They need and want clothing. They need and want food. They are demanding immediate action and are looking to the Congress, not to the executive branch of the Government, for leadership. It would be a mistake, however, were we to proceed on the assumption that the country is antilabor. The people do not wish any action to be taken that will destroy the gains made by the laboring men and women during the past quarter of a century. But they want to insure against the misuse of such unlimited powers.

Our task is twofold: Our immediate problem is to terminate the current wave of strikes that menaces the national economy. Our long-run problem is to eliminate the causes of widespread labor disturbances that result in paralyzing strikes.

In a democracy such as ours it is wrong for any small group of men to possess such monopolistic power that it can impose its will upon the public irrespective of the public good. The country suffered as a result of the concentration of power in the hands of financial interests during the twenties. That was wrong. It was right and proper that the Congress took corrective action to curb those evils.

The Congress also took steps during the thirties to bolster the rights of working men and women. It was not its intention, however that these rights should be used as instruments of power to shackle our liberties and impede progress.

The National Labor Relations Act was passed in 1935 by a nonpartisan vote, and it has been endorsed as a step forward by all who are interested in the American labor movement. It assured to labor the right to organize and to bargain collectively, rights that are as basic to labor's well-being as freedom is to democracy. It became apparent years ago, however, that the administration of that act was one-sided; that it was being used by one faction of labor to weaken another faction; and that it was being used to destroy management's right to manage.

Above all, the act conferred upon organized labor tremendous powers without comparable responsibilities. It set up machinery to facilitate the peaceful settlement of certain types of labor disputes, but at the same time encouraged union leadership to indulge in industrial warfare even where this law provided for a peaceful remedy. The act imposed upon employers the obligation to bargain collectively with their workers, but it did not impose upon employees the comparable obligation to bargain collectively with their employers. One of the basic objectives of the act was to encourage the making of collective agreements, but it did nothing to insure that those agreements would be binding both on labor and management. The act sought to encourage industrial peace, but actually it ushered in an unprecedented decade of industrial warfare.

That the act needed improvement was clear; and Democrats and Republicans alike participated in an attempt to amend this law. Republican and Democratic leaders in the House of Representatives realized even before the war that the gains of labor stood in jeopardy because of the imperfection of the law. Amendments to the National Labor Relations Act, passed by the House in June of 1940, 6 years ago, sought to cure some of the basic causes for the labor disputes that are troubling us today.

These amendments were fought by the administration, and were never adopted. How much better it would have been had we taken constructive action in 1940—a prewar year—to have strengthened our labor laws and to have improved their administration. The labor strife that impeded our production for war and that is impeding our reconversion to peace could have been avoided.

The Case bill which the Senate passed on May 25 and is now before the President for his signature, is a lineal descendant or the amendments to the National Labor Relations Act that were proposed 6 years ago. I believe this legislation is a step in the right direction and if approved by the President, will be helpful. But this is only one step forward when many steps are required. We must proceed immediately to a comprehensive study of existing labor law and its administration if we are to complete the job.

First, we must prevent labor leaders from using their monopolistic powers to disrupt the national economy. It is no more desirable for labor leaders to tie up production unnecessarily than it is desirable for a group of manufacturers, through conspiracy, to restrict production for their personal ends. Within the last 5 months union leadership has demonstrated on no less than three occasions that by restricting the entire production of a necessary product or service it can put this country flat on its back and win its demands without regard to the public interest.

If we are going to impose upon employers the obligations to bargain collectively we must impose a comparable duty upon labor to bargain with its employers. For 45 days all bituminous coal production was stopped by a labor union that refused even to tell the producers of coal why it was striking. How could anyone bargain with a union that refused to set forth its claims or proposals? But we expected the coal mine operators to do just that. As a consequence the country was driven to the brink of industrial prostration.

The National Labor Relations Act needs basic and thorough revision to insure that it will accomplish its objectives of promoting industrial peace. The law should be modified so as to make the use of industrial warfare and violence unattractive, especially where adequate peaceful remedies exist. Restrictions on freedom of speech that are embedded in the law should be terminated. The law must also be modified so as not to penalize the development of legitimate independent labor organizations. Above all, if labor organizations are given the right to bargain for employees, the law must insure that these organizations are democratic and completely responsible to the employees for whom they bargain.

Certainly this is a more fundamental approach to the labor problem than that proposed by the President in his message to the Congress on May 25.

I, too, deplore the fact that the President of the United States has deemed it necessary to ask for the authority to break strikes against the Government by impressing workers into the Army. This aspect of the President's program would involve the most dangerous delegation of power made by any Congress. It strikes at the very fundamentals of our American philosophy and American system. Even if we attempt to excuse it because of the greatness of the emergency, it would set a precedent which in future years might lead this country into a military dictatorship. That part of the program must not be enacted unless it can be surrounded by safeguards to insure against its repeated use in the future.

Mr. President, it would not be accepted by the American people if we attempted to draft doctors into the Army to meet an epidemic. It would not be accepted by the American people if we attempted to draft any group of people to meet a definite emergency. So in this situation it is not necessary to draft men into the Army to stop strikes and obtain production, for in America an aroused and indignant public—and it is now thoroughly aroused and indignant—will be the best answer to the challenge which confronts us. It is not necessary, Mr. President, to burn down this great American house of freedom in order to destroy a few rats.

We would still fail the people, however, if we viewed the current labor crisis as springing solely from labor causes. Primarily responsibility for our present difficulties must rest upon those who during the last decade have been leading this country step by step toward a planned state. To accomplish their end, these leaders needed mass political support; and it is now clear that they were more interested in labor's votes than in the well-being of laboring men and women or in building up an enlightened labor movement. Their tools were confusion, setting class against class, breeding hatreds and suspicion, and ridiculing the importance of individual productivity and the individual's responsibility toward his fellow man.

If we are to progress, we must stop moving toward a planned state. Paying allegiance to this uncertain objective has made us fearful, when we should look to the future with confidence. The bogey of "economic security" has dulled our vision and imagination and has left us with a security complex. The emphasis upon group interest, rather than the public interest, has submerged the

spirit of cooperation that formerly existed between one and all.

Mr. President, in this situation it is necessary that the Congress and the President present a united front to the people. But to do that, the President must not ask us to do things which in the future would endanger the freedom of the people of the United States, and which would require us to violate our oaths to support the Constitution. Therefore I shall vote to delete section 7 from the pending bill.

Mr. TAFT. Mr. President, I yield 10 minutes to the Senator from New Jersey [Mr. SMITH].

Mr SMITH. Mr. President, it is my desire to say a few words on the subject of section 7 of the pending bill, which now is under discussion, and also on the subject of the philosophy of the bill as a whole.

I yield to no one in my allegiance to the President of the United States. At a time like this, when he has such heavy responsibilities, we must uphold his hand. He is correct in the position he took last Friday night on the radio, namely, that the Government must be supreme, that there is no right to strike against the United States Government. But in dealing with these questions, one is faced at once with the question, What is the solution of the problem? When we were presented with the pending bill, House bill 6578, which was aimed at meeting this emergency, I found myself in a great quandary. On the one hand, I wished to support the President in whatever measures he might regard as necessary in order to take care of the emergency; but, on the other hand, I was unable to support the proposed bill in the form in which it was drawn, which seemed to me to go to the very fundamentals of our Government.

In thinking this bill through, it has seemed to me that we have a real division between the possible wrongdoing of those who are leading in these labor disputes and those who are the workers and who follow because their leaders give them instructions. My feeling with regard to this bill is that we must remove from it everything which penalizes the worker himself because he is in the position of having to choose between loyalties. Although we can say that he must choose the United States as his first loyalty, nevertheless, I can understand his difficulty when a situation like a strike call occurs.

So, Mr. President, from that angle alone, I am definitely and unalterably opposed to section 7, which practically says to a man who has followed the lead of his own organization, "You have done a wrong against the United States, and therefore as punishment we are going to induct you into the United States Army." That would be detrimental to the best interests of our Army organization, to begin with. It is a degrading act to put a man who has violated a statute of the United States into the Army as a penalty. From that viewpoint, I object to the proposal. But beyond that, I object to any action by our Government which results in placing a man in a position of even quasi penal servitude. I do not think such an effort would succeed. I think it is unsound in its conception all the way through; and as I said on the floor of the Senate in the debate on Monday, I think the President would be in a much stronger position if, in a time of emergency, he were to call on all our people—including the railroad workers and all others—to assist in meeting the crisis and the emergency. I think it could be done on the basis of an appeal, rather than on the basis of a forced draft.

I object to another provision of the bill which also is penal in its nature. I refer to the one which, as a penalty, would deny to a worker his seniority rights. I feel that all these penalties which affect a worker who himself is a part of a large organization, must be carefully scrutinized before we apply any of them. We should seek to bring such sanctions against those who are wrongfully directing the activities of the workers. A provision to that end is contained in the bill. I believe that we should eliminate the sections which have a too severe bearing on the workers concerned.

So, Mr. President, I propose to vote against section 7. I intend to vote for its elimination from the bill. There are in the bill other provisions of a punitive nature which I shall also oppose as the bill progresses through its consideration by the Senate.

I wish to make a clear record on this matter. I am supporting the President in the emergency; but, in the position I hold in the Senate of the United States, I do object to subjecting workers to such severe penalties in such an emergency. I do feel that the Government must be supreme, but I do not believe we are called upon to add to the difficulties of our problem by providing for a draft of our workers because they have disobeyed the provisions of the bill.

Mr. TAFT. I yield 1 minute to the Senator from Pennsylvania [Mr. GUFFEY].

Mr. GUFFEY. Mr. President, if section 7 of the pending bill, H. R. 6578, were enacted into law, the working people of this country could be forced into involuntary servitude during times of peace.

I am opposed to such involuntary servitude; and, therefore, I shall cast my vote to delete section 7 from the bill.

Mr. TAFT. I yield 15 minutes to the Senator from Delaware [Mr. TUNNELL].

Mr. TUNNELL. Mr. President, I desire to speak for a few minutes on section 7, to which I understand the motion applies.

It seems to me that this section is stricter than is necessary under the circumstances; and I believe it transgresses in another way, aside from its punitive nature.

In the first place, a person who failed or refused, without the permission of the President, to return to work within 24 hours would be subject to be placed in the Army. I do not know what might be the reason for a person's failure to return to work. So far as the language of the provision under consideration is concerned, the person might be sick, but he would be subject to the penalty simply because he failed or refused to return to work. There might be hundreds of reasons for the failure of a person to return to work. If an employee refused, that would be one thing; but under the provision we are now considering, if he failed to be at his place of employment and failed to work within 24 hours, he would be inducted into the Army.

The question of whether the Army is to be used as a prison, whether it is to be considered by the Nation as a place for punishing those who have transgressed a law, is something which must be determined and will be determined before such a provision becomes a part of the law. Whatever may have been the purpose, it seems to me that the language of the provision is certainly too broad. It should not be phrased in such a way as to apply to all those who have failed or refused. In other words, a man might legitimately fail to return to work.

In addition, the idea of having a person excused from such an obligation if he receives the permission of the President is objectionable. The President would not keep up with the activities of every person in the United States who would be liable to violate a proclamation with reference to strikes. Of course, the President would have to depend upon some board or commission which he would appoint; and that in itself would be a very undesirable thing. I do not believe it turned out very well with reference to the boys who were permitted to leave the Army, or failed to go into the Army during the last war. The President's Board had the right to determine to a certain degree whether or not a man should be deferred. I do not believe that plan worked very well, because the President was not in a position to know the merits of all the excuses and reasons which were presented by thousands of men for not being inducted into the service.

Mr. President, 24 hours is a very short time within which a person must comply with the proclamation referred to in the pending bill. He must not only cease to be a striker, but he must return to his job within 24 hours, regardless of what conditions may be.

Mr. TAFT. Mr. President, I may be compelled to leave the Chamber. After the Senator from Delaware concludes his remarks, I will yield 10 minutes to the Senator from Missouri [Mr. DONNELL], and after the Senator from Missouri has concluded his remarks I shall yield 20 minutes to the Senator from Oregon [Mr. MORSE].

Mr. TUNNELL. I thank the Senator. Mr. President, I ask the Chair to let me know when my time has expired.

The PRESIDING OFFICER. The Chair informs the Senator from Ohio that he has remaining only 17 minutes.

Mr. TAFT. The Senator from Kentucky [Mr. BARKLEY] agreed to give me 45 additional minutes.

Mr. TUNNELL. Mr. President, I do not know whether the present occupant of the chair understood my request, but when my 15 minutes have expired, will he notify me?

The PRESIDING OFFICER. The Senator has 9 minutes left.

Mr. TUNNELL. Very well; I thank the Chair.

Mr. President, to compel a person to return to the job which he was occupying when the strike began is a very strong requirement. I contended during the debate with reference to the Case bill that many of the requirements which were being insisted upon would be ineffective. I have always maintained that a person could not be compelled to work except, for example, after having been convicted of a crime. The requirement in the pending bill would compel a man to return to work within 24 hours or be inducted into the military service. Not being satisfied with inducting him into the service, the committe has amended the bill by including the words "and shall serve in." The man is not only to be inducted into the Army, for example, but he is to be required by a special statute to serve in the Army after he has been inducted into it. I believe that such requirement might well have been left to the men who enforce the rules and regulations of the Army.

There has also been placed in the bill, in parentheses, the words "with or without an oath." I do not know why those words were included. The language covers all situations, whether "with or without an oath." There is also included the words, "and on such terms and conditions as may be prescribed by the President." Knowing the present President of the United States, I believe that any rules and regulations which he might prescribe would be fair if he knew the particulars of the case involved. But the language reads, "as may be prescribed by the President." Does that mean, Mr. President, that a man could be forced to serve in the Army for the remainder of his life? Does it mean that he could be forced, for example, to serve in the Army for 20 years? The language is, I repeat, "and on such terms and conditions as may be prescribed by the President." There is no limitation in such language. It seems to me that it is more than should be asked for, even in the case of an acknowledged criminal, or in the case of a conviction in regular form. On the basis of the President's judgment, a man could be inducted into the Army and compelled to serve. It would depend upon the President's judgment. We can reasonably say that the President would never have an opportunity to exercise his judgment.

Therefore, Mr. President, this proposal is one of the strongest ever incorporated in a measure presented for the consideration of the Congress. I have never before seen such a proposal. I have never seen it proposed that a person may be placed in the Army and compelled to serve under conditions such as those provided in the pending bill. I cannot imagine a provision of law going that far. I am anxious to stand by the President and by the people of the United States. I believe that the pending bill is aimed at something which is wrong; I fully agree that it is; yet, it seems to me that we are being asked to prescribe a punishment which we would not prescribe for a murderer, or a person who had been found guilty of any other serious crime. When we provide that a man may be forced into the Army under such terms and conditions as the President, in his judgment, may prescribe, it is going too far.

Mr. President, there is another thing which comes to my mind. I refer to the language beginning in line 22 on page 5, as follows:

> The foregoing provisions shall apply to any person who was employed in the affected plants, mines, or facilities at the date the United States took possession thereof, including officers and executives of the employer, and shall further apply to officials of the labor organizations representing the employees.

I do not know whether the 18- and 19-year-old men would be brought under that language; I do not know whether the regular rules in connection with selective service would apply. The language reads, "shall apply to any person who was employed in the affected plants, mines, or facilities," and so forth. It includes not only the workers but the officers and executives of the employer. Regardless of who those persons might be and regardless of their age or qualifications, they are covered by the words which I have read.

For example, Mr. President, persons who represent employers, whether they had anything to do with the strike or not, could be compelled to go to work within 24 hours, as I understand the meaning of the language which I have read, within the particular plant or facility involved, and if they refused to do so they could be inducted into the armed services and there compelled to serve. Whether they were within the jurisdiction of the United States at the time, or whether they had had anything to do with the strike, they could be required to go to work or be inducted into the armed services.

Let us consider those who represent the employees. I do not know how a labor union, as such, would proceed to work. The language reads, "including officers and executives of the employer, and shall further apply to officials of the labor organizations representing the employees." That may represent a contradictory situation; I do not know. It may be that the labor union official is the very person who is responsible for the men not returning to work. The bill provides that the labor official must return to work within 24 hours. Perhaps he would be a detriment to the work. We do not know. The language has been so carelessly drawn that one cannot tell whether it would provide authority to induct into the armed services those who would be beneficial to the Nation, or those over whom the Nation would have discretion.

The committee has reported an amendment as follows:

> Provisions of law which are applicable with respect to persons serving in the armed forces of the United States, or which are applicable to persons by reason of the service of themselves or other persons in the armed forces of the United States, shall be applicable to persons inducted under this section only to such extent as may from time to time be prescribed by the President.

This morning I was asked if a man who had been inducted into the armed services under the amendment which I have just read, could be court martialed. I told him that I presumed he could be, and perhaps be shot. Under the Army rules and regulations, I know of no reason why the punishment which could be assessed for the infraction of Army rules, could not be applied. Under such conditions it would be possible to subject persons to punishment of the severest kind. They could be subjected to punishment as the result of having violated certain rules of the Army, without having had an opportunity to offer any excuse for their conduct.

The PRESIDING OFFICER (Mr. HILL in the chair). The time of the Senator from Delaware has expired.

The Senator from Missouri is recognized for 10 minutes.

Mr. DONNELL. Mr. President, I rise to oppose section 7 of the bill. Section 7 provides, among other things, that "the President may," in his proclamation, "provide for induction into and service within the Army of the United States," on such terms and conditions as may be prescribed by the President, as being necessary in his judgment to provide for the emergency."

The meaning of the term "emergency" is clear from reference to section 2 of the bill, which provides for the declaration by the President of the existence of a national emergency relative to the interruption of operations.

The obvious purpose of section 7 is to remove interruption of operations, in other words, to cause a resumption of operations to occur. The purpose of section 7 therefore is to require the persons who shall be drafted to resume labor in the industries from which they have removed themselves.

I do not find it necessary, in determining my position on this section, to decide the question whether the section is or is not constitutional. On the one hand, it may be argued that it is constitutional because of the power vested in Congress in section 8 of article I "to raise and support armies." On the other hand, it may be argued that no power exists in Congress because, although the persons who are described in section 7 are described as being inducted into the Army, the very fact that they are being brought in for the purpose of being inducted back into labor shows that they are not in fact being created into an army. An army is well defined in law as meaning "a large force of armed men designed and organized for military service on land." So, Mr. President, it may be argued with some considerable degree of force that what is being done here, while ostensibly induction into the Army, is merely the creation of a body of men to resume labor in industry, and not organized for military service, and that consequently the power to "raise and support armies" does not grant the power to provide for the induction referred to in section 7.

Indeed, the argument may be made, further, that not only is there an absence of power in Congress, but that there is a positive prohibition in the thirteenth amendment, which provides against "involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted."

Mr. President, as I have said, these arguments may be made upon one side or the other. There may be other bases

upon which it may be argued that the bill is constitutional, and there may be answers to those propositions. I do not undertake this afternoon to pass upon these questions of constitutionality, for the reason that I have satisfied myself to be in opposition to section 7 upon points independent of that question.

There are four reasons why I am opposed to section 7. In the first place, in my judgment the results in the industries into which these men would be inducted for forced labor would be poor and ineffective. In my opinion, unwilling workers will not be effective and productive workers.

The second of my reasons is one which has to do with the very patriotism innate in the breast of every true American citizen. That reason is that to bring about a condition of induction into the Army under the terms set forth in section 7 would be degrading to the Army of the United States. Under our traditions, service in the Army of our country is a glorious and noble badge of honor. Under the bill it would be a punishment, and hereafter, if section 7 of the bill were enacted, service in the Army of the United States would no longer be a conclusive badge of honor to the wearer of the uniform.

So, Mr. President, I oppose the section on those two grounds.

There are, however, two further grounds. In the third place, in my judgment, such a provision as that set forth in section 7 would create resentment, disunity, and hatred throughout our Nation, and would be productive of results evil in their consequence to the building up of a greater and nobler America.

Finally, Mr. President, the fourth of the reasons upon which I base my action with respect to section 7 is that a forcible requirement by which labor is compelled of our fellow citizens contravenes the national traditions of our Nation, contravenes the traditions of 170 years of our national history. Mr. President, the repugnance of such a provision is obvious from the contents of the Thirteenth Amendment, to which I referred a moment ago. The very fact that those who framed and those who adopted the amendment found it advisable and important to provide a prohibition against the creation of "involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted," in itself shows the repugnance with which our Nation has looked upon the matter of forced service.

So, Mr. President, I am opposed to section 7, first, because the results in the industries would be affected by section 7 would be poor and ineffective; second, because the adoption of section 7 would prove degrading to the Army itself; third, because such a provision would create resentment, disunity, and hatred throughout the Nation; and fourth, being a forcible requirement by which labor would be compelled of our fellow citizens, such a provision would contravene our national traditions and history.

It has not yet been demonstrated that our labor troubles can be settled only by resort to the extremity prescribed in section 7. I oppose the adoption of that section.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 20 minutes.

Mr. MORSE. Mr. President, I stated a few days ago that as soon as I had time to go to the lawbooks I would seek to defend my criticism of the bill as proposed by the President on the ground that it is unconstitutional. Because of the limitation of time, I shall not have the opportunity to place in the RECORD all the arguments on its constitutionality which I should like to have in the RECORD, and because my argument is devoted entirely to a discussion of court cases, I ask unanimous consent to have my entire manuscript included in the RECORD if I do not have time to cover it all before my time is up.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MORSE. Mr. President, since the President presumably premises his proposal that he be granted the extraordinary powers asked for in this bill on the ground of emergency, it is well at the outset to point to the established rule of law that the Constitution is not and cannot be evaded on the grounds of extreme emergency.

I can think of no criticism I can make of the proposed legislation, Mr. President, more serious than the criticism that it is unconstitutional, and that is the premise I rise to support by way of a legal argument.

The classic statement of the rule I have just referred to is contained in the case of *Schechter* v. *The United States* (295 U. S., 495), citing page 528. In that case the Court said:

> We are told that the provision of the statute authorizing the adoption of codes must be viewed in the light of the grave national crisis with which Congress was confronted. Undoubtedly, the conditions to which power is addressed are always to be considered when the exercise of power is challenged. Extraordinary conditions may call for extraordinary remedies. But the argument necessarily stops short of an attempt to justify action which lies outside of the sphere of constitutional authority. Extraordinary conditions do not create or enlarge constitutional power. The Constitution established a national Government with powers deemed to be adequate, as they have proved to be both in war and peace, but these powers of the national Government are limited by the constitutional grants. Those who act under these grants are not at liberty to transcend the imposed limits because they believe that more or different power is necessary. Such assertions of extra-constitutional authority were anticipated and precluded by the explicit terms of the tenth amendment. "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The famous case of *Ex parte Milligan* (18 L. Ed. 281, 4 Wall. 2), which grew out of the attempted exercise of war power in the Civil War, is directly relevant to the President's proposal that he be empowered to conscript employees into the armed forces. In that case the Court said:

> The Constitution of the United States is a law for rules and people * * * and covers with the shield of its protection all classes of men, at all times, and under all circumstances.
>
> The proposition is that a commander of an armed force (if in his opinion the exigencies demand it, and of which he is to judge) has the power * * * to suspend all civil rights * * * and subject citizens * * * to the rule of his will. * * *
>
> If this position is sound to the extent claimed, then * * * the commander * * * can, if he chooses, * * * on the plea of necessity, * * * substitute a military force for and to the exclusion of the laws. * * *
>
> The statement of this proposition shows its importance; for, if true, republican government is a failure, and there is an end of liberty. * * * Martial law, established on such a basis, destroys every guaranty of the Constitution, and effectually renders the "military independent of and superior to the civil power"—the attempt to do which by the King of Great Britain was deemed by our fathers such an offense that they assigned it to the world as one of the causes which impelled them to declare their independence. Civil liberty and this kind of martial law cannot endure together; the antagonism is irreconcilable and, in the conflict, one or the other must perish.

It seems to me, Mr. President, that the remarks of my good friend the distinguished Senator from Missouri [Mr. DONNELL] bear out very well the principles enunciated by the Supreme Court in the famous Milligan case.

In this instance the President apparently desires to prohibit the mere decision of an employee to quit his job. This would mean, in effect, making it unlawful under certain circumstances for an employee to lay down his tools and refuse to work any longer If that is the nature of the conduct which is rendered criminal, it would be perfectly clear that such a statute would constitute involuntary servitude under the thirteenth amendment of the Constitution as indicated by the following cases. Even without regard to the thirteenth amendment, the right of an individual to quit his employment regardless of his reason for so doing is just as absolute as the right of an individual to refuse to deal or to cease dealing with or patronizing another. See *Federal Trade Commission* v. *Raymond Brothers-Clarke Co.* (263 U. S. 565); *United States* v. *Colgate & Company* (250 U. S. 300).

There is nothing inconsistent between that statement, Mr. President, and the remarks I made the other day, that the right of labor to strike is a relative right and not an absolute right when the strike is exercised against the public welfare. It is a relative right. But the right of labor as individuals to be protected from the type of involuntary servitude which, in section 7, the bill seeks to impose upon them is a constitutional right of protection, and under no circumstances, in my judgment, can the Senate on legal grounds justify a vote for section 7.

The outstanding expression of the concept that combinations of workers are free from the imposition of involuntary servitude is that of Mr. Justice Brandeis, in which Mr. Justice Holmes concurred, in the case of *Bedford Cut Stone Co.* v. *Journeymen Stone Cutters Association of North America* (274 U. S. 37).

In that case this great Justice said:

Members of the Journeymen Stone Cutters' Association could not work anywhere on stone which had been cut at the quarries by "men working in opposition" to it, without aiding and abetting the enemy. Observance by each member of the provision of their constitution which forbids such action was essential to his own self-protection. It was demanded of each by loyalty to the organization and to his fellows. If, on the undisputed facts of this case, refusal to work can be enjoined, Congress created by the Sherman law and the Clayton Act an instrument for imposing restraints upon labor which reminds one of involuntary servitude.

It may be observed that this dissenting opinion has since been adopted by the majority of the Supreme Court in the case of *United States* v. *Hutchinson* (312 U. S. 219).

In *Bailey* v. *Alabama* (219 U. S. 219), the Supreme Court condemned a statute which made nonfulfillment of a contract for personal services criminal, and declared with respect to the thirteenth amendment that—

The plain intention was to abolish slavery of whatever name and form and all of its badges and incidents; to render impossible any state of bondage, to make labor free by prohibiting that control by which the personal service of one man is disposed of or coerced for another's benefit, which is the essence of involuntary servitude.

See also *Arthur* v. *Oakes* (63 Fed. 310).

A recent Florida case of *Henderson* v. *Coleman* (7 Sou. (2d) 117), is very much in point. There the Court stated:

We are not advised of any rule of law under which any man in this country will be forced to serve with his labor any other man whom he does not wish to serve.

Section 19 of the Bill of Rights of our Constitution provides:

"Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party has been duly convicted, shall ever be allowed in this state."

If the injunctive order be construed to mean that the officers and members of the Longshoremen's Association, Local No. 1416, were thereby required to load or unload the trucks of Collins, although there was no contractual relation between the local and Collins, then such construction would violate the constitutional provision above referred to. We think it will not be contended that any member of the local could be committed to jail for refusing to load or unload the Collins' trucks.

I digress, Mr. President, to point out that that is what would happen to strikers under the bill proposed by the President.

That service required the performance of manual labor and it is beyond the power of courts to punish one by imprisonment for failure to engage in involuntary servitude.

The Supreme Court of Illinois, in the Kempt case, said—*Kempt* v. *Division No. 241* (255 Ill. 213):

It is the right of every workman, for any reason which may seem sufficient to him, or for no reason, to quit the service of another, unless bound by contract. This right cannot be abridged or taken away by any act of the legislature, nor is it subject to any control by the courts, it being guaranteed to every person under the jurisdiction of our Government by the thirteenth amendment to the Federal Constitution, which declares that "involuntary servitude * * * shall not exist within the United States or any place subject to their jurisdiction."

In the case of *Albro J. Newton Co.* v. *Erickson* (126 N. Y. S. 949), the court said:

A strike is a combination to quit work; * * * the absolute right to quit work, which necessarily exists in a free constitutional government construed on individualistic principles, is guaranteed by our Constitution, and cannot be abridged by legislative, executive, or judicial power.

It might be argued that the prohibition against striking is a prohibition against concerted or joint, rather than individual, action in leaving employment. Under what theory can the quitting together by two, three, a dozen, a hundred or a thousand employees be made criminal, let alone restrained, particularly if the concerted quitting is for a proper economic purpose and is the only means of effectuating that purpose? Surely, there is a far greater moral justification for a leaving of employment because of intolerable working conditions than for the leaving of employment for purely arbitrary or even malicious reasons; yet the latter is protected under the thirteenth amendment when engaged in individually, while it is asserted that the former, when engaged in by two or more persons in concert, is not protected by the thirteenth amendment. A prohibition against leaving work, whether imposed on 1, 100, or 1,000 employees is a command to continue working, and no amount of specious reasoning on the part of any Member of this body, or on the part of the President of the United States can contravene the fact that involuntary servitude is thereby imposed.

In the case of *Lindsay* v. *Montana Federation of Labor* (37 Mont. 264, 96 Pac. 127), the Court said:

There can be seen running through our legal literature many remarkable statements that an act perfectly lawful when done by one person becomes by some sort of legerdemain criminal when done by two or more persons acting in concert and this upon the theory that the concerted action amounts to a conspiracy But with this doctrine we do not agree. If an individual is clothed with a right when acting alone, he does not lose such a right merely by acting with others, each of whom is clothed with the same right. If the act done is lawful, the combination of several persons to commit it does not render it unlawful. In other words, the mere combination of action is not an element which gives character to the act.

Similarly, in the case of *Jersey City Printing Co.* v. *Cassidy* (63 N. J. Eq. 759, 53 Atl. 230), the Court stated:

I am unable to discover any right in the courts, as the law now stands, to interfere with this absolute freedom on the part of the employer to employ whom he will and to cease to employ whom he will, and the corresponding freedom on the part of the workmen of their own free will to combine and meet as one party, as a unit, the employer who, on the other side of the transaction, appears as a unit before them. Any discussion of the motives, purposes or intentions of the employer in exercising his absolute right, to employ or not to employ as he sees fit, or of the free combination of employees in exercising the corresponding absolute right to be employed or not as they see fit, seems to be in the air.

Other decisions upholding the absolute right to quit work, whether singly or in concert, and declaring that prohibitions against such right are in conflict with the prohibitions against involuntary servitude, are *Alfred W. Booth & Bro.* v. *Burgess* (72 N. J. Eq. 181, 65 Atl. 226); *Union P. R. Co.* v. *Ruef* (120 F. 102 (C. C. D. Nebr, 1902)); *Lambert* v. *Georgia Power Co.* (181 Ga. 621, 183 N. E. 814 (1936)); *Karges Furniture Co.* v. *Amalgamated W. U. L.* (165 Ind. 421, 75 N. E. 877 (1905)); *Trimble* v. *Prudential Life Ins. Co.* (23 Ky. L. 1184, 64 S. W. 915 (1901)); *Orr* v. *Home Mutual Ins. Co.* (12 L. Ann. 255 (1857)); *Kimball* v. *Harmon* (34 Md. 407 (1871)); *Bowen* v. *Matheson* (14 Allen 499 (Mass. 1867)); *Opera House Co.* v. *Minneapolis Musicians* (118 Minn. 410, 136 N. W. 1092 (1912)); *Hunt* v. *Simonds* (19 Mo. 583 (1854)); *Empire Theatre Co.* v. *Cloke* (53 Mont. 183, 163, p. 107, L. R. A. 1917 E. 383 (1917)); *Foster* v. *Retail Clerks Int'l Protective Association* (39 Misc. 48, 78 N. Y. S. 260 (1902)); *Roddy* v. *United Mine Workers* (41 Okla. 621, 139, p. 126 (1914)); *Cote* v. *Murphy* (159 Pa. 420, 28 A. 190, 23 L. R. A. 135, 39 Am. St. Rep. 686 (1894)); *Macauley* v. *Tierney* (19 R. I. 255, 33 A. 1 (1895)); *Delz* v. *Winfree* (80 Tex. 400, 16 S. W. 111 (1891), 6 Tex. Civ App. 11, 25 S. W. 50 (1894)); *West Virginia Trans. Co.* v. *Standard Oil Co.* (50 W. Va. 611, 40 S. E. 591 (1902)); *Gebhardt* v. *Holmes* (149 Wis 428; 135 N. W. 860 (1911)); *Goldfield Cons. Mines Co.* v. *Goldfield Miners' Union* (159 F. 500 (C. C. D. Nev., 1907)); *J. F. Parkinson Co.* v. *Santa Clara County Bldg. Trades' Council* (154 Cal. 581, 98 P. 1027, 21 L. R. A. (N. S.) 550, 16 Ann. Cas. 1165 (1908)); *Greenwood* v. *Building Trades Council* (71 Cal. App. 159, 233 P. 823 (1925)); *Jetton-Dekle Lumber Co.* v. *Mather* (53 *Fla.* 969, 43 S. 590 (1907)); *Illinois Malleable Iron Co.* v. *Michalek* (279 Ill. 221, 116 N. E. 714 (1917)); *Saulsberry* v. *Coopers' International Union* (147 Ky. 170, 143 S. W. 1018, 39 L. R. A. (N. S.) 1203 (1912)); *Gray* v. *Bldg. Trades Council* (91 Minn. 171, 97 N. W. 663, 103 Am. St. Rep. 477, 63 L. R. A. 753, 1 Ann. Cas. 172 (1903)); *Lohse Patent Door Co.* v. *Fuelle* (215 Mo. 421, 114 S. W. 997, 128 Am. St. Rep. 492, 22 L. R. A. (N. S.) 607 (1908)); *Booth* v. *Burgess* (72 N. J. Eq. 181, 65 A. 226 (1906)); *Mills* v. *United States Printing Co.* (99 A. D. 605, 91 N. Y. S. 185 (1904)); *Sheehan* v. *Levy* (215 S. W. 229 (Tex. Civ. App. 1919)).

As Judge Amidon proclaimed in his celebrated decision growing out of the Railway Shopmen's strike of 1921, in the case of *Great Northern Railway Co.* v. *Broussecu* (286 Fed. 414), "Americans cannot be held permanently by an injunction in a state of peonage."

If it is something other than the mere laying down of tools and refusal to work any longer that is made criminal under the terms of these various provisions, then we are entitled to inquire further as to just what is the conduct that is made criminal. A strike obviously involves the concerted cessation of work by a large number of workers at the same time. This concert is secured in any of a number of ways. Workers discuss their grievances with each other on the job, in their lunch hours, at home, and are persuaded one by the other of the desirability of concerted cessation of work. More formally, the matter may be

discussed at a meeting, with speeches and arguments pro and con, ending in a vote for or against concerted cessation of work.

Once the men have acted to leave their job they may, by word of mouth or in writing, seek to convince other fellow employees of the desirability of taking like action. Hence I hasten to invite attention to the fact that the basic constitutional right of free speech also is involved in the proposed legislation. I have no hesitancy in saying that if the bill is enacted that right will be transgressed, and the Supreme Court will have no alternative but to declare the law unconstitutional.

In general it is clear that, when restrictions or prohibitions are placed on the right to strike, that which is prohibited or restricted is not the leaving of work, because the leaving of work is a right available to all persons in a society where slavery has been abolished. What is prohibited is the urging or persuading by one person or two persons or a number of persons of others to leave their work. Such a prohibition is, in essence, a prohibition on the communication of ideas, on the bare right of speech and of argument and persuasion.

Accordingly, all of the recent Supreme Court decisions upholding the right to picket as a concomitant of the right of free speech and declaring that such right cannot be prohibited, regulated, or restrained, are relevant. See, for instance, *Thornhill* v. *Alabama* (310 U. S. 88); *American Federation of Labor* v. *Swing* (312 U. S. 321).

There are in addition many decisions emphasizing directly and expressly the basic rights involved in the right of workers to leave their jobs and in the right of workers to discuss among themselves the desirability of such concerted action and attempt to persuade others. In his classic dissent in *Vegelahn* v. *Guntner* ((Mass.), 44 N. E. 1077, 1081) Mr. Justice Holmes declared:

> One of the eternal conflicts out of which life is made up is that between the effort of every man to get the most he can for his services, and that of society, disguised under the name of capital, to get his services for the least possible return. Combination on the one side is patent and powerful. Combination on the other is the necessary and desirable counterpart, if the battle is to be carried on in a fair and equal way. * * *
>
> If it be true that workingmen may combine with a view, among other things, to getting as much as they can for their labor, just as capital may combine with a view to getting the greatest possible return, it must be true that when combined they have the same liberty that combined capital has to support their interests by argument, persuasion, and the bestowal or refusal of those advantages which they otherwise lawfully control.

In *American Steel Foundries* v. *Tri-City Central Trade Council* (Supreme Court of United States, 257 U. S. 184, 42 S. Ct. 72, 66 L. Ed. 189, 27 A. L. R. 360 (1921)) Chief Justice Taft stated, at page 196:

> They [labor organizations] were organized out of the necessities of the situation. A single employee was helpless in dealing with an employer. He was dependent ordinarily on his daily wage for the maintenance of himself and family. If the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and to resist arbitrary and unfair treatment. Union was essential to give laborers an opportunity to deal on equality with their employer. They united to exert influence upon him and to leave him in a body in order by this inconvenience to induce him to make better terms with them. They were withholding their labor of economic value to make him pay what they thought it was worth. The right to combine for such a lawful purpose has in many years not been denied by any court.

But the President of the United States, to his everlasting discredit, seeks to deny it in this bill.

In a very recent case, In re Porterfield, decided on April 30, 1946, by the Supreme Court of California, that court declared as follows:

> Particularly in the fields of labor union controversies with employers and in competition among the unions themselves has it been recognized that physically peaceable compulsion coercion, intimidation, and threats may go to make up lawful moral and social pressure as against both employers and nonmember employees. * * * Various means of economic suasion such as picketing, the primary and secondary boycotts, and refusal to work together, often go to make up concerted efforts to induce nonmember employees to join a particular union. Such conduct may be performed in the exercise of civil liberties, guaranteed by both our Federal and State Constitutions.

Mr. President, I am about to close because of the time limit. I say that, in addition to the other bases which I have mentioned in establishing the unconstitutionality of such an act, there is still an additional one. If the Senate will take the time to analyze the power of the Congress of the United States under the Constitution to raise armies, I believe it will agree with me that the Army provisions of this bill are unconstitutional, because they do not carry out the basic principle which I assert under the Constitution must be followed in raising armies by a draft in this country, namely, equality of selection. This basic principle protects all citizens under any Army draft in our free society from tyranny. The principle involved in this bill, Mr. President, insofar as drafting strikers, is based upon a premise of unfair discrimination, which I submit cannot stand the tests of the Court as it comes to pass upon the Constitution of the United States in relation to this bill. Our power under the Constitution as a Congress to raise armies cannot be twisted into a meaning that would allow us to discriminate against one group of citizens to the advantage of other groups even though that single group be strikers. That not only would be involuntary servitude—it would be tyranny. This is a dark hour in America. Have we gone so far in our country, as the result of the hysteria and mob psychology which unfortunately the President's speech of last Saturday helped to augment, that we are ready to destroy the civil liberties of free men and women in America. God forbid.

Mr. TAFT. Mr. President, I yield 5 minutes to the Senator from Nebraska [Mr. WHERRY], and then I shall yield 10 minutes to the Senator from West Virginia [Mr. REVERCOMB].

Mr. WHERRY. Mr. President, in addition to the very forceful arguments which have been made against section 7 on the ground that it would impress labor on the basis of slave labor, I think there is another angle which should be forcibly brought to the attention of Members of the Senate.

Under the power proposed to be granted to the President, the penalty for striking against the Government would make of the Army of the United States a penal institution. I believe that that is a sad commentary upon the military services of this country. I have always taken great pride in the Army, and what the Army has done. I have taken pride in the fact that to fight in the armed forces in defense of our country was the highest honor that one could possibly ask.

This proposal goes far beyond anything I ever dreamed of, and makes of the Army a penal institution to carry out the punishment of one who refuses to work.

The reason I bring that point to the attention of the Senate and of the people of the country is this: If the bill is passed with section 7 in it, it will be a direct threat to those of us who believe that we should end the draft and in its place have a volunteer army to carry on the military work necessary at this time, not only at home, but abroad. I do not wish to do anything which would jeopardize the raising of a volunteer army. I think the time has come when those of us who feel as I feel should rise upon our feet and see to it that nothing is done to jeopardize the ability of the military to recruit, on a voluntary basis, a volunteer army to meet the needs of this hour.

I believe that Senators who vote to leave section 7 in the bill will vote in contradiction of their position if they are against the draft. I believe that making the Army a penal institution would jeopardize the possibility of raising a voluntary army without the continuation of the draft.

That is the position which I expect to take. If we are to continue selective service, I shall support a provision to suspend inductions. I wish to do it on the ground of what has been accomplished in raising a volunteer army. Time does not permit me to give the facts as to what has been accomplished by way of recruiting a volunteer army. I ask unanimous consent to have printed in the RECORD at this point, as a part of my remarks, a statement which clearly shows what has been done by the military in obtaining, through the volunteer system, the army which we need, and in the numbers asked for by the military.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

DRAFT BY PROPAGANDA

Both the War Department and the press have asserted that the failure to draft teen-age boys is responsible for a decrease in volunteer enlistments. An examination of the facts reveals that the ending of the teen-age draft has not in any way been responsible for the different enlistment rate.

In the first place, no recruiting figures are yet available for the week of May 15–21. Therefore, all statements to date have been made on the basis of enlistments prior to May 14 when teen-age boys were not yet eliminated from the draft. Consequently

there is no factual basis for asserting that the ending of the teen-age draft decreased volunteers.

Second, enlistments have not decreased because of any ending of the draft. They have decreased while we had a draft—and they have not decreased as much as the War Department expected them to.

The only War Department monthly estimates for March, April, and May 1946 given in the Senate or House Military Affairs Committee appear on page 167 of the Senate hearings as follows: Opposite are listed the actual enlistments later supplied by the War Department.

War Department estimates:

March	78,679
April	56,600
May	39,500

Total estimate by July 1, 1946, 800,000.

Actual enlistments:

March	73,499
April	63,867
May	[1] 22,352

[1] As of May 14 with 17 days yet to go, or more than half of the estimate, had already been filled.

Total enlistment as of May 14, 1946, 758,942.

In other words, the volunteer enlistments have not decreased as rapidly as the War Department all along expected them to decrease. Isn't it strange, therefore, that so much publicity should appear in the press that failure to draft teen-age boys is responsible?

Furthermore it is apparent that the decrease in volunteering has come about as a result of the Army's own action. This was told to the House of Representatives on April 13 by Representative CHARLES R. CLASON, a member of the House Military Affairs Committee:

"As for the number that enlisted in March, there were 73,499, and there has not been any lessening in the number of persons who were trying to enlist. In other words, just as many are going to the recruiting stations, but the Army has raised the standards from 59 to 70. I am told that before the Army raised the standards only 1 out of 7 persons was rejected, now 3 out of 7 persons are rejected. That accounts for the apparent falling off in enlistments."

The higher test was not applied to drafted men (Senate hearings, p. 257). During April the Selective Service standards were even lowered to take men previously deferred as IV-F.

Moreover, Senator ELBERT THOMAS, in commenting on the declining volunteer rate, said to Generals Eisenhower and Paul (p. 259 of Senate hearings):

"Comparative statistics are no good if you change any of the rules in regard to the statistics. If, for instance, the number is changed something like 10 percent, then it is improper to come and say there is a falling off. We know that 10 percent falling off has come about as a result of your own action."

Mr. WHERRY. Mr. President, I hope that when Senators vote on this question they will consider that we do not wish to make the Army a penal institution, but to help the Army obtain a volunteer force. I do not believe that the Army should be restricted by the provisions of section 7 of the bill.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 10 minutes.

Mr. REVERCOMB. Mr. President, the pending question is upon the seventh section of the bill which the President of the United States has asked the Congress to pass. The question is whether or not the Senate will agree to grant the President the powers set forth in that section.

In substance, section 7 states that if in time of strike the President of the United States, under his power of seizure, shall take over any industry and the men in that industry decline to work, they may be impressed into the Army, to serve in the Army.

At this point in my remarks, for the sake of clarity, I ask unanimous consent that section 7 of the bill may be printed.

There being no objection, section 7, including the amendments reported by the committee, was ordered to be printed in the RECORD, as follows:

SEC. 7. The President may, in his proclamation issued under section 2 hereof, or in a subsequent proclamation, provide that any person subject thereto who has failed or refused, without the permission of the President, to return to work within 24 hours after the finally effective date of his proclamation issued under section 2 hereof, shall be inducted into, and shall serve in, the Army of the United States at such time, in such manner (with or without an oath), and on such terms and conditions as may be prescribed by the President, as being necessary in his judgment to provide for the emergency. The foregoing provisions shall apply to any person who was employed in the affected plants, mines, or facilities at the date the United States took possession thereof, including officers and executives of the employer, and shall further apply to officials of the labor organizations representing the employees. Provisions of law which are applicable with respect to persons serving in the armed forces of the United States, or which are applicable to persons by reason of the service of themselves or other persons in the armed forces of the United States, shall be applicable to persons inducted under this section only to such extent as may from time to time be prescribed by the President.

Mr. REVERCOMB. Mr. President, this matter may be viewed from several points. I have listened with interest to the able arguments regarding the legality of the proposed procedure. I have listened to the able argument of the Senator who just preceded me in speaking. He referred to the effect of the proposal upon the Army.

But, Mr. President, this matter involves a determination of policy for the United States. The question is whether the Congress will decide, for the first time in the history of our country, to adopt a course whereby the Chief Executive of our land may order men to work. Stripped of all its verbiage and all its description, we know that if this measure is passed and if section 7 remains in it, we shall have placed our approval, for the first time in the history of the United States, upon the formation of impressed labor battalions in the United States.

I cannot go that far. Last week I joined with other Senators in voting to strengthen some of the laws of the United States on a basis of fairness, so that there might be some force and strength within the laws of our land which deal with the subject of management and labor. In my judgment, not one of those laws which were passed was unfair to the workingman.

But I cannot go so far as is now proposed, because not only is the present proposal unfair to the workingmen of the United States, but for the first time in our history we would be departing from the course of free government and the course of government by a free people, to a course of forced labor which can justly be given the name of slavery.

Let us see what effect the provision under consideration would have. First of all, if a man is put into the Army, it provides that he shall serve in the Army. Suppose for some reason he does not want to continue with his work. Suppose he will not work—for no man in this country can be compelled to work against his own judgment and his own will. What, then, will be his position? Being in the armed forces he will be subject to trial by a court martial. Upon what charge will he be tried? He will be tried upon the charge that he has disobeyed the order of a superior officer. What is the punishment for that? It ranges from death by shooting or hanging to confinement in the penitentiary. Surely the Congress of the United States will not go to that extreme.

But it has been argued that there are no sanctions without that provision; that there is no other way of enforcing the orders which may be issued for men to work. Mr. President, if we consider the preceding section of the bill, section 6, we find that it contains a provision that those who do not comply or who do not wish to go on with their work, in cases in which the Government, through the President, deems it necessary to take over work industries in which they are employed, shall lose their rights under the National Labor Relations Act and under the Railway Labor Act, and that they shall lose all rights of seniority. I say there is no punishment which could be more effective than that, if punishment is needed, for an action which might be charged against them. But to go to the extent of subjecting a man in civil life in this free country to the severe punishments meted out under court martial would be going too far.

When this bill came to the Senate from the House of Representatives last Saturday night I took the floor at that time and said I could not support it if section 7 remained in it. I take that position today. As I have had time to study it more carefully, I am all the firmer in the position that I will not support any measure that leads us upon a course of this nature.

Mention has been made on the floor of the Senate of the fact that we are raising a volunteer Army. For months a number of us have worked toward that end, because we know that a volunteer Army for the United States of America is the kind of Army this country should have, and that conscription is justified only in time of war, when the burden of fighting the battles is placed upon all the citizenry. Great success has been met. Since the passage of that bill, in October last, we have already taken into the Army, as volunteers, more than 750,000 young men who have volunteered into the service of this country, and more than 52 percent of them have volunteered for periods of 3 years.

Now, to say to those men who are in the great American Army, service in

which we have always held to be a badge of honor, this great Army which, through its victories, has brought everlasting glory to this country—to say to them that that same Army shall be used as a labor battalion, and that membership in it shall be a badge of punishment, is unthinkable. Mr. President, we cannot go that far.

I heard the able Senator from Colorado [Mr. MILLIKIN] with great eloquence state his position upon that point, that today the uniform of the Army is wrapped around too many sons of America who sleep the long, long sleep to make it thinkable that membership in the Army instead of being a position of honor should be a place of punishment.

So, Mr. President, without discussing the other sections of the bill, inasmuch as they are not involved in the pending question, I submit, first, that we cannot, under any policy of a government of freemen, grant such powers to any individual within our Government, nor can we in fairness to a free people, if America is to remain free, go so far in fixing a punishment which is unusual and extreme and beyond the pale of a government by freemen and for freemen.

Mr. TAFT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. How much time is left for me to allot?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. TAFT. I allot 5 minutes to the Senator from Florida.

Mr. PEPPER. Mr. President—

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. PEPPER. I hold in my hand a report of the Senate Committee on Military Affairs on House bill 1752, which had for its purpose the imposition of so-called work-or-fight obligations upon the working people of this country. I shall not read what Mr. Eric Johnston, president of the United States Chamber of Commerce, said, but he opposed such proposed legislation. I shall not read what the National Association of Manufacturers said in their communication to the Committee on Military Affairs, but that organization also opposed that proposed legislation.

So, Mr. President, it appears that in hearings upon that proposed legislation, the heads of great organizations that speak for business in America were just as much opposed, even in wartime, to the so-called work-or-fight coercion upon labor as were the labor representatives themselves, for those manufacturers, those men of business, knew the American workingman, and they knew that in the factory and on the farm more would be accomplished in the effort to win the war from a voluntary labor force than from one which was coerced into making a contribution to the country.

Mr. President, I have been immensely gratified to see the confirmation of the prophecy which I made here recently: That if time were given to the Congress and the people of the country to consider the evils of this proposed legislation, there was no doubt what the reaction and what the response would be. Accordingly, instead of a Senate which on Saturday night would, probably by an overwhelming vote, have passed this legislation unimpaired, today we have a Senate which I believe will administer an overwhelming defeat to the proposal.

Mr. President, I wish to conclude by saying that I am very much encouraged about the vitality of democracy and the essentials of republican spirit which today are being expressed in the Congress and in the country. I am reminded of the dark time in the Constitutional Convention when old Benjamin Franklin arose and addressed his colleagues, saying, "Mr. President, for days and weeks I have sat here and looked out the window at the sun shining upon the back of the chair of the Presiding Officer"—none other than George Washington—"and there have been times when I doubted whether the sun was setting or rising. But now I know that that sun is rising and bringing to birth a new day in America."

Mr. President, I see in the Senate this afternoon, and in the country, that democracy is rising in our land, and that free institutions still live, and that democracy cannot be destroyed.

Mr. BARKLEY. I yield 10 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized to speak for 10 minutes.

Mr. HOEY. Mr. President, I have listened with a great deal of interest to the debate on the pending subject. I wish to commend especially the very magnificent speech which was made earlier in the day by the able Senator from Illinois [Mr. LUCAS]. I endorse most heartily his entire presentation.

Last Friday this country faced a real disaster. The President of the United States made a speech over the radio last Friday evening. He followed it on Saturday afternoon with an address to a joint session of the Congress. The House of Representatives, in response to his request, passed the pending bill by a very large majority. In doing so they represented the sentiment and the justice of the American people. They represented the thought of the American people, namely, that they were unwilling to allow any group or combination of groups to defy the authority of this Government and subject the Nation to disaster.

The Interstate Commerce Committee of the Senate considered the pending bill. I have the honor and the pleasure of being a member of that committee. In the discussion which was had with reference to the bill, the committee considered the bill section by section and reported it to the Senate. The only part of the bill with reference to which there was any controversy was the seventh section, which was adopted by a vote of 12 to 6.

Of course, the discussion in the committee was not very extensive because there was not much purpose in discussing the bill. The time called for action. Every member understood perfectly well what was provided by section 7.

Mr. President, I believe in individual liberty. I believe in the rights of the citizen. I believe that the rights of the citizen looms largest in a democracy, and that those rights should be preserved. However, I subscribe to the belief that whenever individual rights meet head on with the rights of the public as a whole, and with its security and welfare, those individual rights must give way. That is the situation with which we are faced at the present time.

Mr. President, what are the conditions which now confront the country. It is true that the railroad strike has been settled. I understand the coal strike has been or is about to be settled. However, those are only two strikes. Can the Senate halt in the discharge of its duty to provide for the President the means and facilities necessary to enable him to deal with future disasters as they arise? Shall we say that, because of what he has been able to accomplish through the threat to exercise the power which he already has in connection with the present controversy, we should disarm him and say that he should not have the power which he has requested in dealing with future disasters which may arise?

Mr. President, the pending measure would be but a temporary one. The President has asked that the measure be passed, and that a study be made of comprehensive legislation to be considered by the Congress next year. The effect of the pending measure, if enacted into law, would be only until July 1, 1947, and in the meantime legislation could be enacted of a permanent character and nature to deal with any emergency which might arise in the years to come.

Mr. President, I believe in giving the President of the United States the power which he has requested. I do not believe that such power would be exercised so as to invade the rights of citizens beyond the point necessary in order to protect and defend the country. We do not hesitate to go into the home of a citizen and take away a son, or a daughter, if need be, and send them into service or combat during the time of war, and compel them to fight in the defense of our country. All of us endorse such a course of action. On many occasions in the past both the Senate and the other House have jointly approved such authority. The war has been over for many months, but we still do not hesitate to draft men into the armed services of the country. We believe it to be necessary and essential. If I am willing to allow our Government to go into the homes of the citizens of this country and take boys from those homes and send them into the armed services of the Army and the Navy, I cannot refuse to allow my Government to walk up to the door of the labor union and require it to respond to its country's needs. I assert that it is the duty of every American citizen to be requisitioned for service in any capacity when the public security demands it.

Mr. President, I have heard a great deal of argument to the effect that we should not press persons into the armed services. I do not see anything particular offensive about doing that. If the pending measure shall be adopted we may never be compelled to put it into force. The very fact that the President was armed with the power and authority which the pending bill would give to

him, would in all probability render it unnecessary to exercise it.

During the war we said that it was not sufficient to get enough men, enough material, or enough resources into the proper channels in order to win the war, but that it was also necessary to have a surplus of them. The very fact that we add to the force already at the hands of the Government makes it possible for the Government, through the President, to win a war more speedily. I am unwilling to send the President of the United States against the common foes of this Nation during a period of crisis when he is only half armed. He has asked for two things which, I believe, are wholly warranted. He has asked for the power to take away from strikers their seniority rights and other privileges and benefits, which inure to them under the rules of their employment, when they strike against the Government. The other request is for power to draft strikers into the armed services during a period of national emergency. Should we strip the President of one-half his power and send him into a battle only partly armed and compel him to contend against powerful dictators? Shall we say to the President, "We will give you only one-half of the power which you need in order to battle successfully the enemies of the American people?"

Mr. President, has the time arrived when we must stand on the brink of chaos in our Nation and quibble over the question of giving to the President the power to compel strikers against the Government to work? Let us analyze the situation for a minute.

What would any Senator think if a city were on fire and the firemen of that city went out on strike? Would any Senator hesitate to say that those firemen should be commandeered and compelled to serve in their capacities as firemen, and fight the threatened destruction of the city? Would they call such service servitude? Should not those men be compelled to fight that fire whether they wished to strike or not? Would Senators let the city burn while arguing the question of whether the firemen should be compelled to work?

Allow me to give another illustration. If a riot took place within a city and its policemen went on strike, would any Senator hesitate to furnish adequate power and authority to the Government to enable it to compel those policemen to serve?

Mr. President, at the present time, when a national emergency has arisen and the entire Nation is threatened, every citizen is under the obligation to respond to the Commander in Chief of the Army and Navy. I shall not quibble over it. At the present time, when the President requires power to protect this Nation in the hour of its need, I shall not hesitate to vote to give him such power merely because, as some would assert, it might be used to invade the rights of the labor unions. I shall not be willing to have the ordinary citizen taken out of his home and placed in the armed services of this country, after the war is over, and at the same time be unwilling to compel men whose work is essential to the security of the Nation to return to their work.

Personally, I shall not turn my back upon one part of the President's program and be willing to approve another part of it. He needs the power and authority for which he has asked, or he would not have requested it of the Congress of the United States. The very possession of such power will reinforce his words with authority, and will serve to prevent persons from striking against the Nation's welfare and security. As I have already said, if the President is clothed with such power, it may never be necessary for him to exercise it.

Mr. President, I shall but briefly trespass further upon the time of the Senate. I wish to record my support of section 7, as well as the remainder of the bill. I propose to give to the President all the power for which he has asked. I believe that the House of Representatives responded to the desires of the people of America in a very commendable way. Notwithstanding the fact that the Members of the other House face the coming elections, they were willing to stand by the Nation in its hour of great need and risk their political future. I should not like to see the Senate do less. Any political exigencies which may be involved should not be considered. It is time for us to follow the leadership of our President. He is representing not only the working men and women of this country who are affiliated with labor unions but all the people of the Nation as well, and desires to preserve the country from disasters which may threaten it now and in the future.

The Congress cannot always be in session and be in position to respond immediately to a request of the President. It cannot always be at hand to arm the President with necessary power. We should now give to the President the authority which he has requested. I do not believe that we should refuse his request at this time of need. I do not believe in taking away, as I illustrated once before, one of his arms and compelling him to fight labor dictators who have such great sources of power as they now have. I believe that the President should be given sufficient power in order to deal adequately with any situation which may arise, such as the one which the country now faces.

Mr. President, the present period is one of crisis in America. I believe that our freedom and our liberty can be preserved only to the extent that we preserve our national integrity and sovereignty. The assertion of such sovereignty and power through the President is the only way by which we may preserve this country for the American people. Therefore, in the name of freedom, liberty, and justice, I join with the Senator from Illinois in his magnificent address, and will stand by the President in defying any enemies of this country, no matter whom they may be, or by whatever power they threaten the public welfare and security of the Nation.

Mr. BARKLEY. Mr. President, I yield 5 minutes to the Senator from Kansas [Mr. REED].

Mr. REED. Mr. President, it is with some hesitation that I speak today. It is only because an unpleasant note has crept in through the heat and pressure of debate.

I served 6 years in the Senate with Harry Truman when he was a Senator from Missouri and a member of the Committee on Interstate Commerce. On that committee we were associated in much important work, subcommittee work and committee work. Throughout all those years I found Mr. Truman to be a friendly, cordial, plain-spoken, and sincere man. I never was one of his intimates, but our relations always were cordial.

I sat in the House Chamber last Saturday about 20 feet from the President. I heard every word he uttered, I noted with interest every expression that passed across his face. To me he was a man bearing a tremendous responsibility and making a decision which required more courage than any decision by any man in public life within my easy recollection.

If there was anything artificial or counterfeit or play acting on the part of the President, I failed to observe it. Such demeanor was totally absent. Every expression, the tone of his voice, his appearance, every action, every movement, were those of a man bearing a great load of grave responsibility in a crisis in his country.

So I regret that, even in the heat of debate, there should have come, and especially from this side of the aisle, any question of the President's good faith or his sincerity. I have taken these few minutes today to express my belief that the President was honest, straightforward, sincere, and totally devoid of any intent to indulge in play acting. I regret such ungenerous criticism. I belong to the opposition party. I have freely criticized policies of the Truman administration. If occasion requires, I shall continue to do so. I have voted for legislation recently before the Senate which the President opposes. But I want my opposition and that of my party always to be within the bounds of fairness and courtesy.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

The Senate resumed consideration of the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency, for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

Mr. TAFT. Mr. President, will the Senator from Kentucky yield to me a few minutes?

Mr. BARKLEY. How much time does the Senator desire?

Mr. TAFT. Five or 10 minutes.

Mr. BARKLEY. I yield the Senator from Ohio 10 minutes.

Mr. TAFT. I thank the Senator from Kentucky not only for this time, but for the 45 minutes additional of his time which he has already given me for the discussion on this side of the question.

Mr. President, I merely wanted to state my position very strenuously against the provisions of section 7. I hope on Friday to make a more extended talk giving the reasons for my opposition to the entire bill as it now stands, even if this section shall be eliminated, but I wish to say that it seems to me that section 7 goes further toward Hitlerism, Stalinism, and totalitarian government, than any provision I have ever seen proposed in any measure.

Not only does this provision grant the right to draft into the Army, but whoever drew the section did not show very carefully the exact status of those who were to be drafted, so he provided that any person who does not return to work within 24 hours shall be inducted into the Army of the United States—

> At such time, in such manner, * * * and on such terms and conditions as may be prescribed by the President, as being necessary in his judgment to provide for the emergency.

Apparently that would permit the President to suspend all statutes relating to the Army. He might suspend the pay statutes, he might suspend the allowance statutes, he might require men to serve for 10 cents a day, or for nothing. So far as I can see, that must be the meaning of those terms. So that obviously it could be used to impose involuntary servitude on those who were enlisted in the Army.

When we have heretofore drafted men into the Army, we have prescribed the terms, we have said what they shall receive in the way of pay and allowances, uniforms, and whatever other necessary perquisites may be connected with Army service. But in effect this would permit the President to establish a German concentration camp. He could draft these men into a concentration camp, without pay, and even without food, so far as the actual terms of the bill are concerned.

It may be said that, of course, the President would not do so. I do not think that is an answer. I do not think that excuses us from giving him the power to exercise that kind of complete domination over people who may be drafted into the Army.

Mr. President, it is not clear whether the purpose is to draft these men in order to put them to work, in order that they may work in a particular industry, or whether it is in part merely a punitive provision. Presumably, if persons refuse to work, they may be court-martialed and shot or imprisoned. Presumably, as I say, they may be shut up in concentration camps, because we make it absolutely subject to the arbitrary power of the President to treat them in any way he sees fit to treat them.

When we come to the end of the provision, where it says that it shall apply to any person who is employed, including officers and executives of the employer, I think someone with a punitive idea added, "and shall further apply to officials of the labor organizations representing the employees." Those men presumably would be of no value in working in a plant. Whether they are to be drafted purely as a punishment or whether they are to be drafted and then obliged to order the men to do something, so that the orders would be validated, I do not know exactly. I do not know the purpose, but certainly it makes it look as if one of the ideas behind the whole section was purely a punitive idea, and I do not think the Army should be used for that purpose.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. TUNNELL. I should like to ask the Senator where the labor union officials would be working?

Mr. TAFT. I do not know. The writer of this section would probably put them to work on K. P., or disposing of the garbage, perhaps.

Mr. TUNNELL. I mean before a man is inducted. Just what sort of work would he have to go back to, what would he have to refuse to do?

Mr. TAFT. I think the person who drew this section drafted it very badly. I am informed by reliable authority that the Department of Justice was not summoned to draw this bill until Friday evening. I think throughout it shows evidences of very hasty draftsmanship, and there is a question whether the provision we are discussing refers to officials of labor organizations representing employees, or whether it applies only to those who have been working for the company. But I think the man who wrote it intended that they should be drafted, whether they had been working for the company or not. I am not at all sure he carried out that particular purpose.

As to the officers and executives, if this really is an Army draft, there certainly seems no way in which we can pay a GI $25,000 a year, whatever the executives may receive. I presume they would have the ordinary pay of officers in the Army, which might be very much less than they had been drawing, although clearly they might not be to blame for the strike in any way whatever. Yet they also would be penalized by such a general procedure.

In short, Mr. President, even assuming that we wish to draft men under these circumstances, this clause is so badly drawn, it is drawn so much in a punitive spirit and with a punitive idea behind it, that I do not believe it carries out the proper purpose of the draft, even if a draft were a proper kind of procedure by which to undertake a solution of the strike problem.

All through the war we wholly refused to draft men for labor, even at the height of the war. I can see no emergency today that will not exist 12 months from now, or 24 months from now. I see no reason why we should provide anything now that we would not have in permanent legislation. Certainly the idea of drafting men into the Army against their will, taking them from their homes, is the most extreme form of punishment or servitude that can be used under the Constitution of the United States.

I think the Senator from Oregon [Mr. MORSE] has shown that this is an unconstitutional provision. We cannot draft men in time of peace, certainly unless there is a more clearly defined purpose than is stated in the section we are considering. I think it offends not only the Constitution, but every basic principle for which the American Republic was established.

Mr. BARKLEY. Mr. President, I yield 10 minutes to the Senator from Michigan [Mr. FERGUSON].

Mr. FERGUSON. Mr. President, I believe that on a question such as the one on which the Senate is called upon to vote today each Senator should express his opinion and give his reasons why he is going to vote for or against the motion to strike. I am not unmindful that my country today faces a very serious problem. The President of the United States has seen fit to come before Congress and make a certain request, and I am of the opinion that wherever it is possible, whenever we believe that we can properly follow and give to the President of the United States all the support he needs to enable him to enforce the law of the United States, we should go along with him, and if he needs new laws, that Congress should enact new laws. I believe, however, in this particular case that the bill was drafted hastily and without due consideration upon the part of the Executive. I believe section 7 was inserted in the bill without the careful consideration so essential before such a measure is presented to the Congress for action.

We find in this particular section a number of inconsistencies. Its first provision is that if a man fails to return to work or if he refuses to return to work in any industry or business which has been taken over by the United States, he shall be inducted into the Army of the United States. I realize that under the Constitution of the United States it is within the power of the Congress to create an army composed of any of its citizens that it may choose to select; and we find nothing in this section except a drafting provision for the creation of an army.

There is nothing in it which provides that men who quit or fail to report for work shall, when drafted into the Army, resume their particular occupations.

I am not convinced that the section is unconstitutional, because I believe it to be within the power of Congress to create an army composed of any of our citizens, but we ought to be extremely careful not to use as a reason for induction into the Army of the United States the mere fact that a man failed to work at a particular job. But that is exactly what we are doing by this section, Mr. President. The section is not clear, because it says that only those who fail or

refuse to work in the particular industry or business taken over shall be inducted into the Army. We find the further language in the section:

The foregoing provisions shall apply to any person who was employed—

And the word "was" should be emphasized—

who was employed in the affected plants, mines, or facilities at the date the United States took possession thereof, including officers and executives of the employer, and shall further apply to officials of the labor organizations representing the employees.

That would indicate that an executive of a labor organization who was not employed in the plant could not be inducted.

But why, Mr. President, was this provision placed in the section? Because those who put it in the section wanted it to appear upon the surface that labor leaders are to be drafted into the United States Army. Oh, yes; such a provision would cause a great cheer on the part of many persons throughout the country, because of the fact that the United States Senate had seen fit to put into the Army the labor leaders and those connected with management, but I want to say that for every one of those connected with management and every one of the labor leaders so inducted many, many other citizens would also be put into the Army of the United States.

Mr. President, I served for some time in the judiciary; I have never seen the time when I thought we should do away with the judiciary and abolish criminal law as a means of compelling people to abide by the laws of the United States but, instead, should sentence those who fail to abide by the law to induction into the Army of the United States. I have never felt that we should ever do away with the judiciary and abandon jury trials, as provided for in the Constitution, and substitute therefor martial law.

Mr. President, in time of war—and technically we are still in time of war—do we realize that the penalty for desertion may be death and that if one of the men who was inducted should desert from the Army, the penalty could be death?

I think sober reflection will bring the Congress back to the point where it will reassert its belief in the three divisions of government—the legislative, the judicial, and the executive, and that it will not undertake to abolish the judiciary as the means for the enforcement of law.

Congress enacted into law the Smith-Connally bill. In that law we provided that no labor leader shall, after the Government takes over a plant, induce any concerted action or even represent the employees. But what do we find? The minute a plant is taken over under that law we find representatives of labor in the office of the President, in the office of Mr. Krug, representing the men and negotiating for them, in violation of the law.

There is ample law upon the statute books. The courts are still open. We should make use of existing laws and of the courts before we induct men into the Army, and resort to martial law.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. TOBEY. In connection with the remarks of the Senator from Michigan I desire to recall to his mind the great injunction, "but let there be no change by usurpation because it is a customary instrument by which free governments are so often destroyed." That applies to this case.

Mr. FERGUSON. I thank the Senator for his remarks.

Mr. BARKLEY. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has 35 minutes.

Mr. BARKLEY. I shall not use all that time. I hope the Chair will call me if I use as much as 15 minutes of that 35.

The PRESIDING OFFICER. The Chair will oblige.

Mr. BARKLEY. Mr. President, I have no desire to detain the Senate for any length of time in regard to this section upon which we are, I presume, about to vote. I wish at the outset of what I have to say to announce that word has just come to me officially that the coal strike has been settled, and the papers settling it have been signed at the White House only shortly after 4 o'clock.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TOBEY. I simply point out to the Senator that I hope that that is not also too previous advice, as was the advice given the other day. The Senator thinks the information he has given is authentic?

Mr. BARKLEY. Yes. I based my statement the other day upon a press dispatch which evidently was not quite accurate. This announcement is direct to me from the White House itself. Therefore it is not premature.

Mr. President, criticism has been made of this section and of the entire bill on the ground that it was drawn hastily. Of course it was. There is no point in denying that it was hastily drawn, because it had to be. There was not the time for careful deliberation which under ordinary circumstances would be given to the draftsmanship of a piece of important legislation.

As the President of the United States announced in his message of last Saturday, he had for months been doing everything within his power, by supervising the negotiations which were in progress not only in the railroad strike but in the coal strike, to bring about a settlement. He only went to the people over the radio Friday night as a last resort to take them into his confidence and advise them of the situation, and to announce that on the following day he would present the problem to Congress and ask definite legislation. In his address Friday night the President fixed 4 o'clock p. m. the next day as the deadline which, if reached without a settlement or a return to work by those who were striking on the railroads, he would attempt to operate the trains with the Army of the United States.

In all the hectic circumstances which headed up suddenly in an actual cessation of the operations of the trains, a condition which, if continued, might have involved the health and lives of our people and the destruction of millions of dollars worth of perishable property in the way of food, and nullified and paralyzed our effort to send food to starving people throughout the world, there was no other alternative except for the President to come before Congress and ask immediate legislation to deal with a situation which had suddenly come to a climax and called for this drastic action on the part of the President

I do not know, and I suppose nobody will know to what extent the President's address to the people on Friday evening, his address to the Congress on Saturday afternoon, his recommendation as embodied in the legislation before us, its prompt passage by the House of Representatives by an overwhelming majority of 306 to 13, influenced the striking railroad men to resume the operation of the trains, or influenced the settlement of the coal strike which has just been announced. Any statement as to what influence those events might have had upon those two situations would be pure speculation, and I do not desire to indulge in such speculation, except to say that in view of the settlement of the railroad strike and the coal strike, I think it may be said that the President's recommendation and his hasty action—if one chooses to call it hasty—the prompt action of the House, the prompt action of the Senate committee in reporting the pending legislation, and the prompt action of the Senate in taking it up for consideration, at least did not retard the negotiations which resulted in the settlement of these two difficult situations.

I shall not consume the time of the Senate in reciting my own attitude over a period of nearly 34 years as a Member of one or the other of the two Houses of Congress on matters involving the rights of labor. That record speaks for itself. It cannot be changed, and I would not change it in any particular if I were to deal with it specifically as the events arose under the circumstances and with the knowledge I had at the time I assumed the attitudes which I assumed in regard to labor legislation. If my attitude upon this particular bill and my vote upon this particular occasion shall operate to cancel out the record I have made for 34 years in the Congress of the United States on labor problems, so be it. If I had not the courage or the political fortitude to take the chance now upon the immediate situation which confronts us and confronts me, I should be willing and ready to take whatever the consequences are with respect thereto.

This section of the bill was not drawn by me. If I had drawn it I probably would have drawn it differently. If I had time to deliberate and work over it myself, I might even modify it. But that is neither here nor there. I am not seeking time to do that, because I felt that we ought to vote upon it today. I

obtained an agreement on the part of the Senate to vote at 5 o'clock, and I shall not attempt to interfere with that order of business.

I would not vote for a draft provision such as this, or any other that I can now think of, if it were to be operative as between employers and employees, so that it would draft men into the employment of any private enterprise under the guise of inducting them into the Army of the United States. That is not the problem which confronts me, and it is not the problem which confronts the United States Senate. We are not voting on such a proposition as that. We are not voting upon a proposal authorizing the President of the United States to induct men into the Army to work for any private employer, whether it be a railroad, a coal mine, or a steamship company.

Unsatisfactory as section 7 may be in its language, it is only temporary. It is intended only to meet the emergency which arose, with which we are all familiar. It expires June 30, 1947, unless it shall expire sooner by proclamation of the President or by concurrent resolution of the two Houses of Congress. It applies only to a situation which has become so grave, whose consequences may be so dire to the American people—140,000,000 men, women, and children—as to involve their livelihood, their ability to eat and drink at their tables. It involves the transportation of food to sustain their lives. It may involve the very life and opportunity of hundreds of thousands, or even millions, to work for a living while the tragic exigency is in existence.

These conditions justify the President in temporarily substituting the Government of the United States for the employer by taking over the plants or facilities so that the economic life and the health and well-being of the country may not be jeopardized or destroyed during the existence of the emergency.

We are called upon to vote whether under those circumstances, when the Government of the United States has become the employer under the direction and proclamation of the President, the Government of the United States and its proclamations and orders shall be superior to those of any other individual, no matter how high a rank he may enjoy either in employment on the side of the employer, or the employee—whether the word and the proclamations and directions of the Government of the United States shall be more or less powerful than those of some individual. That is the question upon which we are voting.

Does anyone doubt what the Congress would do if the postal employees of the United States should walk out on strike? Does anyone doubt what we would do under those conditions in making felt the power and authority of our Government, which is essential to the production of all of us, and which must be maintained in all its strength and purity in order that the rights of all of us may be protected and respected. Yet it may be infinitely less important to receive our mail day by day than to receive our food day by day.

That was the question involved last Friday night when the President addressed the people of the United States. It was the question involved on Saturday when he addressed the Congress. It was the question involved when the House passed the bill which is now before the Senate—whether, under these dire emergency conditions, it was necessary for the Government to exercise all its power, all its protective authority, to see to it that the authority of your government, my government, and the government of all the people should be superior to the authority of one man among the 140,000,000 who inhabit this country, whether that man be the head of a railroad brotherhood, a mine workers' organization, a shipping workers' organization, a steelworkers' organization, or an automobile workers' organization, or any other organization which may defy the Government of the United States under circumstances so dire and tragic as to involve the health, the life, and the well-being of 140,000,000 people.

When I am called upon to vote upon a proposition of that sort, when circumstances demand that the President shall substitute the Government as the employer for the private enterprise which has been taken over, I am not willing to say, by my vote, that any one man, however powerful he may be among any group or segment of our people, shall have more authority than the Government of the United States. That is what is involved in section 7, no matter how crudely or hastily it may have been drawn.

It is regrettable indeed, and deplorable, that any segment of our population, however much in good faith they may be in the assertion of their rights as between themselves and their habitual employers, should bring about a situation which should be allowed to become so dangerous as to require the President to exercise the authority which he already possesses to take possession of plants and facilities, whatever they may be, in the interest of the whole people.

The PRESIDING OFFICER. In response to the majority leader's request, the Chair advises him that 15 minutes have expired.

Mr. BARKLEY. I shall take 5 minutes more.

It is deplorable that such a situation should arise, that such a juncture should be created in the economic situation which faces our country.

Mr. President, we no longer live in a primitive land. We no longer live in an agricultural atmosphere, in which everyone can live to himself and be self-sustaining. Every city, every State, and every community vitally depends upon facilities for the production and distribution of the necessaries of life. We are an interdependent people. When the residents of New York, Philadelphia, Atlantic City, St. Louis, Chicago, or San Francisco are denied a vital supply which comes from somewhere else in the United States, and which may involve their health, their welfare, and their lives, that is a problem which faces the whole country. It is a problem which cannot be avoided or escaped by the only agency that can act effectively, namely, the Government of the United States.

Regrettable and deplorable as this may be, and as certainly as I would oppose such action if it were simply a question between the private employer and his employees, I am unwilling to vote in the Senate that this great Government of ours may not, under the Constitution, exercise the right of self-defense, not only for the people, but for the Government itself. Whenever the time comes that our Government becomes impotent and powerless and supine in dealing with the national problems which confront us in times of peace, we shall not have a Government which will be worth defending in the days of war.

Therefore, Mr. President, much as I regret the necessity for it and the occasion for it, I shall feel compelled to vote against the motion to eliminate section 7 from the pending measure.

Mr. President, how much do I have remaining?

The PRESIDING OFFICER. The Senator has 16½ minutes remaining.

Mr. BARKLEY. I yield 5 minutes to the Senator from Maryland [Mr. TYDINGS].

Mr. TYDINGS. Mr. President, it seems almost impossible to believe that this is the same country, today, which existed last Friday night. Last Friday night we were threatened with the complete paralysis of all the economic and industrial life of the Nation. At that time we felt a tenseness which now, fortunately, we do not feel, because the emergency which then existed has been resolved. The coal strike, which began prior to the railroad strike, likewise has now been resolved. The condition which confronted the country last Friday and Saturday, when the President of the United States spoke to the people and to the Congress, is not the situation which exists today.

If any one of the 96 Members of this body had been President of the United States last Friday night, when the industrial life of the Nation was threatened with prostration, when people all over the land were demanding action, and when action had to be taken for the maintenance of law and order and to preserve the sovereignty of the Government, if any one of the Members of this body had then been in the President's position I do not know whether he could have done otherwise than the President felt he was called upon to do. Quick, hasty, crude, if you please, though the remedy might have been, he was called upon to act in the great emergency which then confronted us. Today, as we look back over it, it does not seem to have been quite so dangerous as we thought it was on last Friday and Saturday.

I have been greatly impressed with the remarks just made by the distinguished majority leader, as I have been impressed with the remarks of the distinguished Senator from Colorado [Mr. MILLIKIN] and the distinguished Senator from Ohio [Mr. TAFT] on the other side. There clearly is a great conflict in the thought of today. But there was not much conflict in the thought of last Friday and

Saturday, because no sooner had the President of the United States acted than the House of Representatives, Democrats and Republicans alike, with almost unprecedented solidarity, by a vote of 306 to 13, supported the proposal of the President, because the need of that hour was for action, even though the action might not be perfectly poised or balanced or in complete accord with our traditions and our constitutional heritage.

But today the situation has changed, although in the near future we may have another crisis from some unforeseen quarter. Therefore, as we look at it today and as we consider the remarks of the majority leader, on the one hand, and the remarks of the distinguished Senators who have taken the opposition side, upon the other, all of which arguments are worth our most careful consideration and are worthy of the deepest weight, now that we have a breathing spell, now that we have a chance to examine the pending bill a little more carefully—an opportunity which the House of Representatives did not have the other day when it acted upon it—it seems to me that it would be the part of wisdom and the logical course for this great body, the greatest deliberative body in the world, to follow, to go slowly, not to strike down anything in toto, on the one hand, or to keep anything in toto, on the other hand, but with more deliberation to try to fashion a piece of legislation which, in the light of present circumstances, at 4:45 in the afternoon, after the coal strike has been settled, and after the railroad strike is behind us, will be worthy of our recollection in the light of past history, so recent in our minds, and of possible future history as it may unfold itself in the events of next week.

Therefore, Mr. President, with that thought in mind, may I appeal to the Senate, to those who oppose this measure, and to those who favor it, and to those who are in between, who favor a more modified approach to it, not to act this afternoon, inasmuch as the coal strike has been settled, but to deliberate further on this matter. The Senate, I understand, will be in recess tomorrow, which is Thursday, and we can return on Friday with a little less passion and a little less heat and a little more mature reflection, and see whether we can take this measure and fashion it into something which may be worthy of the Congress of the United States.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. TYDINGS. Mr. President, I ask the Senator from Kentucky if he will grant me an additional minute or two.

Mr. BARKLEY. I yield to the Senator five more minutes, if he wishes me to do so.

Mr. TYDINGS. I thank the Senator.

Mr. President, I am thoroughly in sympathy with the remarks of the Senator from Colorado [Mr. MILLIKIN] and the Senator from Ohio [Mr. TAFT] about the drastic nature of this measure. I am likewise in sympathy with the position of the President last Friday night, and I find myself in sympathy with the position of the Senator from Kentucky [Mr. BARKLEY], all of which viewpoints more or less conflict. But there have been particular situations, particular facts, and particular circumstances which have molded our opinions as the minutes and hours have moved on during the last 3 or 4 days.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. TAFT. Is the Senator suggesting that we send the bill back to the committee, where this job could be properly done?

Mr. TYDINGS. Would the Senator favor that?

Mr. TAFT. I would vote for it. I do not wish to initiate it. If the majority leader favors having that done, I would say "Yes." I do not wish, however, to be placed in the position of trying to do that or of attempting to suppress this bill.

Mr. TYDINGS. Let me say to the Senator from Ohio that I have no plan, nor do I suggest a plan; but I say that we are not in a position to do the best thing and the most favorable thing if we tackle the job today at 5 o'clock in the afternoon.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. BARKLEY. I have commented upon the fact that the coal strike and the railroad strike have been settled. I have some justification for the hope that by Friday the maritime strike, which has been threatened and called, may also be resolved.

As I said a while ago, I brought about this unanimous-consent agreement, and I intend to carry it out. But if, in view of those possibilities, the Senate should see fit to postpone a vote until Friday, and if the maritime situation should become resolved by that time, I certainly would have no objection to having the bill go back to the committee for such further deliberation and consideration as the committee might see fit to give to it.

Mr. TYDINGS. Mr. President, in order to put the matter to a test——

Mr. TAFT. Mr. President, will the Senator yield to me for a moment?

Mr. TYDINGS. I yield.

Mr. TAFT. I understand that the majority leader's proposal to refer the bill back to the committee on Friday, however, is contingent upon the settlement of the maritime strike before that time. Is that correct?

Mr. BARKLEY. In a sense, yes. It is based on the hope that it will be settled by that time, and that we then may approach this subject in a situation of less acuteness than the one we now face.

Mr. TAFT. However, the martime strike is not to be called until the 15th of June, I understand.

Mr. BARKLEY. No. But strenuous efforts are in process to adjust it possibly by Friday. That is a hope which I entertain and which others who are in responsible positions share with me.

Mr. HAWKES. Mr. President, will the Senator from Maryland yield half a minute to me?

Mr. TYDINGS. My time is running out, but I will yield.

Mr. BARKLEY. I will yield to the Senator from Maryland whatever further time he needs.

Mr. TYDINGS. Very well; I yield to the Senator from New Jersey.

Mr. HAWKES. I simply wish to say that I think the Senator from Maryland is talking good common sense.

Mr. TYDINGS. I thank the Senator.

Mr. HAWKES. I am heartily in favor of everything he has said, because I am in the same situation. Perhaps some of us know how the coal strike has been settled, but I do not.

Mr. TYDINGS. Neither do I.

Mr. HAWKES. All I know is that it has been settled. In every business proposition I have ever been connected with in all my life, I have liked to know how it has been settled, before taking steps which may be diametrically opposed to what has been done. Therefore I am heartily in favor of the suggestions which the Senator from Maryland has been making.

Mr. TYDINGS. I may say to my colleagues that I shall never forget that on the night when the railroads had ceased operating because of a strike, the junior Senator from Indiana [Mr. CAPEHART] arose and addressed himself to the Senator from Florida [Mr. PEPPER] and to the Senator from Montana [Mr. MURRAY], who were then debating the matter and asked them what they would propose to do if the strike continued for a week. I remember their reply. I mention the occasion only to show how the situation has changed since last Friday, and to assert that we should not be too hasty about rushing this matter through at the present time when no major strike is under way. I am loath to believe that the Senate of the United States is willing to exercise quick judgment in connection with a measure which is wholly revolutionary in character. The pending bill was introduced last Saturday. It is now Wednesday and we are about to pass judgment upon it. We should now have time to weigh its provisions and consider them. Perhaps we will want to strike down the bill entirely; perhaps we will want to preserve a part of it; but, in heaven's name may I say that we are not equipped within the bare space of 72 hours to pass upon it, and it is not in such shape as it should be in order for the Senate to vote upon it. I do not like it in the form in which it is now written.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. BARKLEY. I yield three more minutes to the Senator from Maryland.

Mr. TYDINGS. I thank the Senator.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. PEPPER. Is it the intention of the able Senator from Maryland to ask unanimous consent to recommit the bill to the committee?

Mr. TYDINGS. The Senator from Maryland would be glad to accept any of a number of proposals if he could ascertain what the Senate desires to do. He now wishes to find out, within the brief

time available to him, what is the temper of the Senate and, in any event, obtain a longer period of time in which to consider the pending bill.

Mr. PEPPER. Mr. President, if the Senator will yield further to me, I can only speak for myself, but I may say that if unanimous consent is requested, I would not object to it if the purpose of the request were to recommit the bill to the committee. If any other unanimous consent should be requested, which would avoid a vote, I would object.

Mr. BARKLEY. Mr. President, I believe that I intimated a moment ago—not that it necessarily carried any weight—that in view of the situation which impends with respect to the other matter which has not been settled, I would with great reluctance see the bill sent back to the committee today. Perhaps Friday that should take place. If it should be sent back to the committee, I would concur in such action. But I believe that it would be hasty at the present time to take such action, and, therefore, I hope that it will not be taken. If what has occurred has had any influence in the settlement of these other controversies, it might have some influence in the settlement of the controversy which has not as yet been settled.

Mr. TYDINGS. The Senator from Ohio [Mr. TAFT] has been very active in the debate. Would he consent to the postponement of the vote until next Friday at 4 o'clock?

Mr. TAFT. The answer is "No."

Mr. TYDINGS. Does the Senator have any suggestion as to how I should make a proposal which would meet with the approval of those who are now opposed to the measure?

Mr. TAFT. If the Senator wishes to move to have the bill recommitted to the committee, I shall not object, although there may be Senators who will.

Mr. TYDINGS. Would the Senator be in favor of a motion to recommit the bill with instructions to the committee to report it to the Senate by a specified time?

Mr. TAFT. No; because I believe the bill will require elaborate hearings being held with reference to it. The Senator has said that we should have plenty of time.

Mr. TYDINGS. I have only 1 minute left.

Mr. TAFT. I believe that we should consider thoroughly the question.

Mr. TYDINGS. I have remaining only 1 minute, unless the Senator from Kentucky will yield me one additional minute.

Mr. BARKLEY. I yield two more minutes. [Laughter.]

Mr. WHITE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHITE. As I understand the parliamentary situation, we are now proceeding under a unanimous-consent agreement solemnly entered into that we should proceed to vote on the motion to strike out section 7 of the pending bill on or before 5 o'clock this evening. If a unanimous-consent agreement is worth anything in the Senate, I do not know how we can vacate the order unless unanimous consent is again sought and obtained. It seems to me that all this talk about motions is out of order.

Mr. TYDINGS. Mr. President, there is a great deal of force in what the distinguished minority leader has said, but I believe that what we are about to do is of far-reaching importance. Therefore, in order that I may present at least a cogent proposal to the Senate, I move that the Senate take a recess until 11 o'clock a. m. next Friday.

Mr. TAFT. I object.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. I wish to ask if, under the unanimous-consent agreement to vote by 5 o'clock to strike section 7 from the bill, the motion of the Senator from Maryland is in order?

The PRESIDING OFFICER. Under rule XXII of the Senate rules, when a question is pending, a motion to recess is in order.

Mr. MORSE. Mr. President, I appeal from the decision of the Chair.

The PRESIDING OFFICER. The decision of the Chair has been appealed from. All those who are in favor——

Mr. MORSE. Mr. President, the appeal is debatable.

Mr. WHITE. Mr. President, do I understand that the Chair has ruled that the unanimous-consent agreement which was entered into by the Senate may be voided in the manner now being proposed?

The PRESIDING OFFICER. The Chair will read rule XXII:

> When a question is pending, no motion shall be received but—
>
> To adjourn.
>
> To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.
>
> To take a recess.
>
> To proceed to the consideration of executive business.
>
> To lay on the table.
>
> To postpone indefinitely.
>
> To postpone to a day certain.
>
> To comment.
>
> To amend.
>
> Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

Mr. WHITE. Mr. President, I submit that all the authorities with reference to that rule are subject to unanimous-consent arrangements when entered into by the Senate of the United States.

Mr. TOBEY. Absolutely.

Mr. BARKLEY. Mr. President, regardless of any one's feelings concerning the proposition, it is always in order to move to recess or to adjourn. There is no rule or decision of the Senate which denies to a Senator the right at any time, regardless of any unanimous-consent agreement which may have been previously entered into, or regardless of the adoption of cloture rules, or any other rule, to move to recess or to adjourn. Whether the Senate wishes to agree to such a motion is a matter for it to pass upon, but it certainly is in order to make the motion.

Mr. TAFT. Mr. President, a point of order. Did not the Senator from Maryland request unanimous consent to make a motion?

The PRESIDING OFFICER. The Senator did not.

Mr. TYDINGS. Mr. President, in my opinion the decision of the Chair is being overruled, because debate upon the ruling of the Chair is now proceeding. If there is opposition to the Chair's ruling, there is a procedure provided for, and I insist that the Chair's ruling be not further discussed.

Mr. MORSE. Mr. President, a parliamentary inquiry.

Mr. TAFT. Mr. President, I appeal from the decision of the Chair.

Mr. MORSE. A parliamentary inquiry.

Mr. TAFT. Mr. President, a point of order. Is the appeal not debatable?

The PRESIDING OFFICER. The Chair rules that it is not. All those in favor——

Mr. MORSE. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oregon will state it.

Mr. MORSE. Does the Senator from Oregon have the right to suggest the absence of a quorum?

SEVERAL SENATORS. No.

The PRESIDING OFFICER. No.

Mr. VANDENBERG. Why not?

Mr. TOBEY. What rule prevents it? I ask for a ruling from the Chair.

Mr. TYDINGS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been called for.

Mr. TAFT. Mr. President, a point of order. Under what rule is an appeal from the decision of the Chair not debatable?

Mr. BARKLEY. Mr. President, in the interest of keeping the RECORD straight, I should like to say to the Chair that, in my opinion, a motion to appeal from the decision of the Chair is debatable. Of course, debate can be shut off by a motion to table.

Mr. MORSE. If it is not debatable, it is tyranny.

Mr. TYDINGS. Mr. President, I move to lay the appeal from the decision of the Chair on the table.

Mr. BARKLEY. It is in order at any time, if any business has intervened since a previous call for a quorum, to again suggest the absence of a quorum. I think, in the interest of maintaining the rules of the Senate, that rule should be observed.

Mr. LANGER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll, and Mr. AIKEN answered to his name when called.

Mr. WHERRY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHERRY. Is this a quorum call, or is it a vote on the appeal?

The PRESIDING OFFICER. This is a quorum call.

The legislative clerk resumed the calling of the roll, and Mr. ANDREWS answered to his name when called.

Mr. TOBEY. A parliamentary inquiry. How can we have a roll call now and take time that will contravene the unanimous-consent instruction of the Senate to vote at 5 o'clock, and it is now 30 seconds beyond that hour?

Mr. MAYBANK. Mr. President, I call for order.

The PRESIDING OFFICER. Senators will please take their seats, and the clerk will proceed with the roll call.

The legislative clerk resumed the calling of the roll and called through the name of Mr. BROOKS.

Mr. BREWSTER. I ask for order.

The PRESIDING OFFICER. Senators will please take their seats. Senators desiring to converse will retire to the cloakroom. The clerk cannot hear the responses.

The legislative clerk resumed and concluded the calling of the roll, and the following Senators answered to their names:

Aiken	Hart	Myers
Andrews	Hatch	O'Daniel
Austin	Hawkes	O'Mahoney
Ball	Hayden	Overton
Barkley	Hickenlooper	Pepper
Brewster	Hill	Radcliffe
Bridges	Hoey	Reed
Briggs	Huffman	Revercomb
Brooks	Johnson, Colo	Robertson
Buck	Johnston, S. C.	Russell
Bushfield	Kilgore	Saltonstall
Butler	Knowland	Shipstead
Byrd	La Follette	Smith
Capehart	Langer	Stewart
Capper	Lucas	Taft
Connally	McCarran	Thomas, Okla.
Cordon	McFarland	Tobey
Donnell	McKellar	Tunnell
Downey	McMahon	Tydings
Eastland	Magnuson	Vandenberg
Ellender	Maybank	Wagner
Ferguson	Mead	Walsh
Fulbright	Millikin	Wheeler
George	Mitchell	Wherry
Gerry	Moore	White
Green	Morse	Wiley
Guffey	Murdock	Willis
Gurney	Murray	

The PRESIDING OFFICER. Eighty-three Senators having answered to their names, a quorum is present.

Mr. TAFT. A point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. The Senate is not in order.

The PRESIDING OFFICER. The Senator's point is well taken. Let there be order in the Senate.

Mr. TAFT. Mr. President, the hour of 5 o'clock having arrived, I ask that the vote ordered by the unanimous-consent agreement be taken at this time, a quorum being present and the Senate being in session.

The PRESIDING OFFICER. A unanimous-consent agreement having been reached, the roll will be called.

The legislative clerk proceeded to call the roll, and called the name of Mr. AIKEN.

Mr. AIKEN. May we have the question stated?

The PRESIDING OFFICER. The question is on striking section 7 from the bill.

Mr. LUCAS. Oh, no, Mr. President.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. TOBEY. A point of order. The roll was ordered called and the Senator from Vermont had answered. No interruptions may occur. His name was called and he voted "yea."

Mr. SHIPSTEAD. The Senate is in disorder. The roll call has been answered and the Senate must vote. Nothing can interfere with the vote.

The PRESIDING OFFICER. The Chair might say to the Senator that the yeas and nays were not ordered.

Mr. TOBEY. The Chair stated, "The clerk will call the roll." How could he do it without instructions from the Chair? The Chair said, "The clerk will call the roll," and the Senator from Vermont answered. That is history now. We cannot go back of that.

Mr. BARKLEY. Mr. President, let us see if we can come to an understanding about what it is we are voting on. Under the unanimous-consent agreement we were to vote at 5 o'clock on the question of striking out section 7. Prior to the arrival of that hour, an appeal was taken by the Senator from Ohio from the ruling of the Chair. The parliamentary inquiry is this, does the unanimous-consent agreement previously entered into, to vote on the motion to strike out section 7 from the bill, take precedence over the appeal of the Senator from Ohio from a ruling of the Chair made prior to the arrival of 5 o'clock? It seems we should know what we are voting upon, whether on the appeal of the Senator from Ohio, or upon the question of striking out section 7.

Mr. TOBEY. Will the Senator yield to me?

Mr. BARKLEY. I yield.

Mr. TOBEY. As I read the history of the last 5 minutes, what happened was that the present occupant of the chair ordered the roll to be called, and the name of the Senator from Vermont was called and he answered "yea." But first he said, "What are we voting on?" And the Chair said, "We are voting to strike section 7 out of the bill."

Mr. BARKLEY. I understand that, but it is not in the interest of order or intelligent voting for Senators to vote either "yea" or "nay" and then ask what it is we are voting on.

Mr. TOBEY. The Senator did not do that. He asked first what we were voting on, and got instructions, and then he voted.

Mr. VANDENBERG. Regular order.

Mr. WHEELER. Mr. President, the Senate is out of order. An appeal was taken. The Senator from Ohio [Mr. TAFT] took an appeal, and that is what we are voting on. That can be debated, but it has to be debated in order.

Mr. PEPPER. Mr. President, I ask unanimous consent to make a unanimous-consent request, and that request is——

Mr. BARKLEY. The Senator had better get his consent first.

Mr. PEPPER. I wish to state the request. I ask unanimous consent to be permitted to state what the request is.

The PRESIDING OFFICER. Is there objection?

Mr. WHITE. Mr. President——

Mr. PEPPER. I want to ask that the matter be postponed until——

Mr. WHITE. I object.

The PRESIDING OFFICER. Objection is heard. The Chair is advised by the Parliamentarian that the unanimous-consent agreement to vote at 5 o'clock takes precedence. The hour of 5 o'clock having arrived—it is now 7 minutes thereafter—the yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk proceeded to call the roll, and called the name of Mr. AIKEN, who voted "yea" when his name was called.

Mr. LUCAS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. LUCAS. Irrespective of the ruling of the Chair, we have before us two very peculiar propositions. I thought we were going to vote on the appeal from the decision of the Chair. I think the Senator from Montana is absolutely correct, notwithstanding the great respect I have for the opinions of the Parliamentarian. I appeal from the decision of the Chair.

Mr. WHERRY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHERRY. Does not the unanimous-consent agreement take precedence over any other business at this time?

The PRESIDING OFFICER. The Chair so rules. The Senator from Illinois has appealed from the ruling of the Chair.

Mr. LUCAS. I call for the yeas and nays.

Mr. MORSE. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. I wish to ask the Chair if the RECORD does not at this moment disclose that after the Chair's ruling that the unanimous-consent agreement takes precedence over any other business, he ordered the clerk to call the roll, and the clerk called the name of the Senator from Vermont before the Senator from Illinois was recognized.

The PRESIDING OFFICER. The Chair will say that at the time the name of the Senator from Vermont was called the yeas and nays had not been ordered.

Mr. RUSSELL. I make the point of order that the yeas and nays have not yet been ordered.

The PRESIDING OFFICER. The Senator from Illinois appealed from the ruling of the Chair.

Mr. PEPPER. Mr. President——

The PRESIDING OFFICER. The Senator from Florida.

Mr. PEPPER. The Chair announced, before the Senator from Illinois gained the floor, that the parliamentary inquiry that had been made to him was answered to the effect that the unanimous-consent agreement took precedence over an appeal from the decision of the Chair previously made. Therefore, Mr. President, I make the point of order that it would be out of order and inconsistent with the ruling of the Chair to allow a subsequent appeal from a decision of the Chair to take precedence over the unanimous-consent agreement.

The PRESIDING OFFICER. The Chair will say to the Senator from Florida that any Member of the Senate has a

right to appeal from any ruling of the Chair at any time.

Mr. PEPPER. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PEPPER. In a previous situation where a contest arose, as stated by the Senator from Kentucky, as to which should take precedence, the unanimous-consent agreement, or an appeal from the decision of the Chair which had already been taken, the Chair ruled that the unanimous-consent agreement would take precedence over the appeal from the decision of the Chair, the hour of 5 o'clock having passed. I state that because, if I can get the floor and be permitted to do so, in order that we may have a chance to work this matter out, I shall submit a unanimous-consent request that the unanimous agreement to vote on the striking out of section 7 be postponed to the convening of the Senate on Friday next.

SEVERAL SENATORS. No! No!

Mr. WHITE. Mr. President, if that is a unanimous consent request, I object.

Mr. BREWSTER. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BREWSTER. It was my understanding that the Presiding Officer did state, preceding the second call of the roll, before the Senator from Vermont answered "yea" the second time, that having ruled that the unanimous-consent request took precedence, he ordered the roll called. The yeas and nays had been called for, and the Chair said, "The clerk will call the roll," and the Senator from Vermont answered "yea" when his named was called. If that is a correct statement of the record, it would seem to me to conclude the question, and may we have the record read?

Mr. LUCAS. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LUCAS. Am I correct in my understanding that an appeal from the decision of the Chair is not debatable?

The PRESIDING OFFICER. It is debatable.

Mr. TYDINGS. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TYDINGS. Mr. President, I should like to propound a parliamentary inquiry to the Chair. First, I would say that in the event a unanimous-consent agreement is arrived at to vote at a certain hour on a certain day, a motion to recess or a motion to adjourn is always in order, because the unanimous-consent agreement might set an hour or a day a week or 2 weeks away, and obviously the Senate would not have to stay in session for two full weeks until the time when it would vote. I therefore, in view of that fact, ask the Chair whether a motion to adjourn or to recess, either one, is now in order?

The PRESIDING OFFICER. The Chair would think not, in view of the fact that the Senate had an agreement to vote at 5 o'clock today.

Mr. TYDINGS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. TYDINGS. The hour of 5 o'clock is not now on the face of the clock, because it is 13 minutes after 5. Therefore, I am not setting aside any order of the Senate previously entered into, and I make a motion that the Senate now recess until 12 o'clock noon next Friday.

Mr. TAFT. Mr. President, do I understand that the appeal of the Senator from Illinois is debatable?

The PRESIDING OFFICER. It is debatable.

Mr. TAFT. I think we might as well go directly to that question. It seems to me that one of the basic means by which we conduct business in the Senate, one of the things which overcomes and to some extent justifies the unlimited-debate rule, is the unanimous-consent agreement. We largely work on unanimous-consent agreements. If unanimous-consent agreements are not going to be carried out, then we have destroyed one of the most necessary measures by which the Senate operates its business. It seems to me that, obviously, since the hour of 5 o'clock has arrived, the unanimous-consent agreement cannot be set aside by a number of motions which happen to be pending at the time; otherwise no unanimous-consent agreement would ever mean anything. Therefore, so far as the motion of the Senator from Maryland is concerned, it seems to me that the ruling of the Chair is obviously correct.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. TAFT. I yield to the Senator from Kentucky.

Mr. BARKLEY. It is more important that we keep straight the record of our rules for future guidance than that somebody gain a point here this afternoon either for or against this proposition. Frequently we arrive at unanimous-consent agreements to vote at a certain hour. I would say that 9 times out of 10, when that hour arrives, some Senator makes a point of no quorum, and the roll is called to obtain a quorum, and thereafter we proceed to vote, not at 5 as the agreement provides, but when we have a quorum ascertained by the call of the roll, and that may be 5 or 10 minutes after 5 o'clock, or 4 o'clock, or 3 o'clock, whatever the time may be.

I think it is unfortunate and deplorable that we are called upon here to act in this confusion and haste, and in view of what seems to be more temper than ought to be exhibited in a great deliberative body, and especially the most deliberative and the greatest deliberative body. But I brought about this unanimous-consent agreement. I asked for it. I obtained it. And if it is necessary, in spite of the disadvantages under which we must vote upon it, I shall stand by the agreement which I obtained from the Senate, and vote, whether we get to it at 5:15 or 5:30. I do not believe we can afford to take advantage of any technical situation that may throw us beyond 5 o'clock in order to avoid a vote. Much as I regret that we should be required to vote under those circumstances, I feel compelled in good faith to stand by that agreement.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. TYDINGS. In order to clear up any confusion, which I regret as following in the wake of the first motion to recess, which I thought was in order, I withdraw the motion so there will be nothing standing before the unanimous-consent arrangement.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Maine.

Mr. WHITE. What the Senator from Kentucky has just said still further raises him in my estimation, which has always been high. I have not been in the Senate as long as has the Senator from Kentucky, but I have served in the other body and in this body for almost 30 years, and this is the first instance within my knowledge when there has been an organized and a persistent, flagrant effort to disregard and avoid the effect of a unanimous-consent agreement solemnly entered into by the Senate. I think it vastly more important that unanimous-consent agreements of this body shall have sanctity and shall be respected by all the Members of this body, than what we do with this particular amendment at this particular time.

I am proud of the Senator from Kentucky for the attitude he has just taken.

Mr. TAFT. Let us vote, then.

NUMEROUS SENATORS. Vote! Vote! Vote!

Mr. SHIPSTEAD. Mr. President, will the Senator from Ohio yield?

Mr. LUCAS. I call for the regular order.

Mr. TAFT. I have the floor, I believe.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. TAFT. I yield to the Senator from Minnesota for a question.

Mr. RUSSELL. Mr. President, who is insisting upon this delay in voting under the unanimous-consent agreement?

Mr. SHIPSTEAD. I wish to pay my compliments to the Senator from Kentucky for his integrity in upholding the sanctity of unanimous-consent agreements entered into by the Senate. Unanimous-consent agreements are solemn agreements entered into by Members of the Senate, and should be respected as such.

Mr. LUCAS. I demand the regular order.

Mr. SHIPSTEAD. They should be kept in good faith. I compliment the Senator from Kentucky on his attitude.

The PRESIDING OFFICER. The regular order has been asked for.

Mr. TAFT. I wish to debate the appeal.

The PRESIDING OFFICER. The Chair asks the Senator: For what purpose does he wish to debate?

Mr. TAFT. I wish to debate the appeal. Do I understand that the Senator

from Illinois has appealed from the decision of the Chair that the unanimous-consent agreement supersedes the earlier motion to recess? Is that the question?

Mr. TYDINGS. Mr. President, I have withdrawn the motion to recess, and there is nothing before the Senate except the unanimous-consent agreement. Those who insist upon the unanimous-consent agreement being carried out now will not let it come to a vote.

Mr. MORSE and several other Senators asked for the yeas and nays, and the yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York [Mr. WAGNER] to strike out section 7 of the bill. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRIDGES (when his name was called). I have a general pair with the Senator from Utah [Mr. THOMAS], who is detained on public business. I understand that if present he would vote as I am about to vote, so I am at liberty to vote. I vote "yea."

Mr. BUTLER (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD], who is absent from the Senate because of illness. Not knowing how he would vote, I transfer my pair to the junior Senator from North Dakota [Mr. YOUNG], which leaves me free to vote. I vote "yea." If present, the junior Senator from North Dakota would vote "yea."

The roll call was concluded.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR], and the Senator from Arkansas [Mr. MCCLELLAN] are absent by leave of the Senate.

The Senator from New Mexico [Mr. CHAVEZ] and the Senator from Utah [Mr. THOMAS] are detained on public business.

I announce further that on this question the Senator from North Carolina [Mr. BAILEY] is paired with the Senator from Idaho [Mr. TAYLOR]. If present and voting, the Senator from North Carolina [Mr. BAILEY] would vote "nay" and the Senator from Idaho [Mr. TAYLOR] would vote "yea."

Mr. WHERRY. I announce that the Senator from Kentucky [Mr. STANFILL] and the Senator from Iowa [Mr. WILSON] are unavoidably absent.

The result was announced—yeas 70, nays 13, as follows:

YEAS—70

Aiken	Gerry	McCarran
Austin	Green	McFarland
Ball	Guffey	McKellar
Brewster	Gurney	McMahon
Bridges	Hart	Magnuson
Briggs	Hawkes	Mead
Brooks	Hayden	Millikin
Buck	Hickenlooper	Mitchell
Bushfield	Hill	Moore
Butler	Huffman	Morse
Capehart	Johnson, Colo.	Murdock
Capper	Johnston, S. C.	Murray
Cordon	Kilgore	Myers
Donnell	Knowland	O'Daniel
Downey	La Follette	O'Mahoney
Ferguson	Langer	Pepper
Radcliffe	Stewart	Walsh
Reed	Taft	Wheeler
Revercomb	Thomas, Okla.	Wherry
Robertson	Tobey	White
Russell	Tunnell	Wiley
Saltonstall	Tydings	Willis
Shipstead	Vandenberg	
Smith	Wagner	

NAYS—13

Andrews	Ellender	Lucas
Barkley	Fulbright	Maybank
Byrd	George	Overton
Connally	Hatch	
Eastland	Hoey	

NOT VOTING—12

Bailey	Chavez	Taylor
Bankhead	Gossett	Thomas, Utah
Bilbo	McClellan	Wilson
Carville	Stanfill	Young

So Mr. WAGNER's motion to strike out section 7 was agreed to.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. MCMAHON in the chair) laid before the Senate messages from the President of the United States submitting nominations and two protocols, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

Mr. CONNALLY, from the Committee on Foreign Relations:

Sundry persons to be foreign service officers, unclassified, vice consuls of career, and secretaries in the diplomatic service.

INTERNATIONAL SANITARY CONVENTIONS—REMOVAL OF INJUNCTION OF SECRECY FROM PROTOCOLS

Mr. CONNALLY. Mr. President, I ask unanimous consent that the injunction of secrecy be removed from Executive D, Seventy-ninth Congress, second session, a protocol to prolong the International Sanitary Convention, 1944, modifying the International Sanitary Convention of June 21, 1926, signed at Washington on behalf of the United States on April 30, 1946, and Executive E, Seventy-ninth Congress, second session, a protocol to prolong the International Sanitary Convention for Aerial Navigation, 1944, modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933, signed at Washington on behalf of the United States on April 30, 1946.

Mr. REVERCOMB. Mr. President, what is the request?

Mr. CONNALLY. The request is to remove the ban of secrecy, so that newspapers may obtain copies.

Mr. REVERCOMB. As I understand, it would not place the treaties on the calendar.

Mr. CONNALLY. No. The protocols would remain with the committee, in the regular way.

The PRESIDING OFFICER. Without objection, the injunction of secrecy will be removed from the protocols and they will be published in the RECORD.

The protocols, with accompanying papers, are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of each of the following two protocols:

Executive D, Seventy-ninth Congress, second session, a protocol to prolong the International Sanitary Convention, 1944, modifying the International Sanitary Convention of June 21, 1926, signed at Washington on behalf of the United States of America on April 30, 1946.

Executive E, Seventy-ninth Congress, second session, a protocol to prolong the International Sanitary Convention for Aerial Navigation, 1944, modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933, signed at Washington on behalf of the United States of America on April 30, 1946.

These protocols were open for signature at Washington from April 23, 1946, to May 1, 1946, and were signed on behalf of the United States of America on April 30, 1946, with the reservation, "Subject to ratification."

I transmit also for the information of the Senate a report regarding the two protocols made to me by the Secretary of State, and an accompanying memorandum.

HARRY S. TRUMAN.

THE WHITE HOUSE, *May 29, 1946.*

(Enclosures: 1. Report of the Secretary of State; 2. Certified copy of the protocol to prolong the International Sanitary Convention, 1944; 3. Certified copy of the protocol to prolong the International Sanitary Convention for Aerial Navigation, 1944; 4. Memorandum setting forth the reservations with which Australia acceded to the 1944 Sanitary Conventions.)

DEPARTMENT OF STATE,
Washington, May 28, 1946.

The PRESIDENT,
The White House:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to their transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a certified copy of each of the following two protocols:

(1) Protocol to prolong the International Sanitary Convention, 1944, Modifying the International Sanitary Convention of June 21, 1926;

(2) Protocol to prolong the International Sanitary Convention for Aerial Navigation, 1944, modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933.

These protocols were open for signature in the English and French languages at Washington from April 23, 1946, to May 1, 1946. Both protocols were signed on behalf of New Zealand on April 23, 1946; on behalf of Belgium on April 24, 1946; on behalf of Canada on April 25, 1946; on behalf of Nicaragua on April 26, 1946; on behalf of the United Kingdom of Great Britain and Northern Ireland on April 29, 1946; and on behalf of the United States of America, Australia, China, Ecuador, France, Greece, Haiti, and Luxembourg on April 30, 1946.

Reservations requiring ratification of each of the two protocols were made on behalf of the United States of America, Belgium, and Ecuador. Both protocols were signed on behalf of Australia, "Subject to the reservations with which Australia acceded to the 1944 convention to which this protocol relates." Those reservations are set forth in a memorandum which accompanies this report.

Each of the protocols remains open for accession by any government which is a party to the 1944 convention to which it relates and is not a signatory to that protocol.

The purpose of the protocols is to continue in force the International Sanitary Convention, 1944, modifying the International Sanitary Convention of June 21, 1926, and the International Sanitary Convention for Aerial Navigation, 1944, modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933. These conventions came into force on January 15, 1945, and, by their terms, will expire on July 15, 1946. Information on their background and purposes is set forth in detail in the report of March 10, 1945, by the Acting Secretary of State to the President (Senate Executive B and C, 79th Cong., 1st sess.).

Advice and consent to ratification of the 1944 conventions was given by the Senate on May 21, 1945. The conventions were ratified by the President of the United States on May 29, 1945, and the instruments of ratification by the United States deposited on May 29, 1945.

The protocols will continue the 1944 conventions without modification except for the limitation provided for in article II of both protocols. Particular attention is invited to the fact that the United Nations Relief and Rehabilitation Administration (UNRRA) will continue to perform the duties and functions assigned to it by the 1944 conventions, but only until such time as a new international health organization is established. In the event a new international health organization has not been formed, or, having been formed, is unable to perform the above duties and functions by the date UNRRA terminates its activities, the duties and functions are to be entrusted to the Office International d'Hygiène Publique.

Unless the 1944 conventions are prolonged, concerted action on an international scale against epidemic diseases after July 15, 1946, will again be based upon the three older conventions relating to quarantine and the exchange of epidemiological information; namely, the International Sanitary Convention of June 21, 1926, the International Sanitary Convention for Aerial Navigation of April 12, 1933 and the Pan-American Sanitary Convention of November 14, 1924.

The technical provisions of the first two of these three conventions are obsolete in many respects and the third convention is restricted in its application to the American Republics. It is considered essential, therefore, to continue in force the technical provisions of the 1944 conventions which supplement those of the 1926 and 1933 conventions. It is desirable to continue in force, also, the provisions of the 1944 conventions which require notification of epidemic diseases which are not covered by the earlier conventions.

Respectfully submitted

JAMES F. BYRNES.

PROPOSAL TO PROLONG THE INTERNATIONAL SANITARY CONVENTION, 1944, MODIFYING THE INTERNATIONAL SANITARY CONVENTION OF JUNE 21, 1926

The Governments signatory to the present Protocol,

Considering that, unless prolonged in force by action taken for that purpose by the interested Governments the International Sanitary Convention, 1944, Modifying the International Sanitary Convention of June 21, 1926, will expire on July 15, 1946, the expiration of 18 months from the date on which the said 1944 Convention entered into force; and

Considering that it is desirable that the said 1944 Convention shall be prolonged in force after July 15, 1946, between the Governments parties thereto;

Have appointed their respective Plenipotentiaries who, having deposited their full powers, found in good and proper form, have agreed as follows:

ARTICLE I

Subject to the limitation provided for in article II of the present Protocol, the International Sanitary Convention, 1944, Modifying the International Sanitary Convention of June 21, 1926, shall be prolonged in force on and after July 15, 1946, in respect of each of the Governments parties to the present Protocol, until the date on which such Government shall become bound by a further Convention amending or superseding the said 1944 Convention and the said 1926 Convention.

ARTICLE II

The United Nations Relief and Rehabilitation Administration (hereinafter referred to as UNRRA) shall continue to perform the duties and functions assigned to it by the said 1944 Convention, as prolonged by the present Protocol, until such time as a new International Health Organization shall be established, at which time such duties and functions shall be transferred to and shall be assumed by such new International Health Organization, provided that if the new International Health Organization has not been formed or, having been formed, is unable to perform the above duties and functions by the date on which UNRRA, owing to the termination of its activities in Europe or for any other reason, ceases to be able to perform them, those duties and functions shall be entrusted to the Office International d'Hygiene Publique and the countries signatory to this Protocol will, in that event, make appropriate financial provisions so as to enable the Office to perform those duties and functions.

ARTICLE III

The present Protocol shall remain open for signature until May 1, 1946.

ARTICLE IV

The present Protocol shall come into force when it has been signed without reservation in regard to ratification, or instruments of ratification have been deposited or notifications of accession have been received on behalf of at least ten governments. The present Protocol shall come into force in respect of each of the other signatory Governments on the date of signature on its behalf, unless such signature is made with a reservation in regard to ratification, in which event the present Protocol shall come into force in respect of such Government on the date of the deposit of its instrument of ratification.

ARTICLE V

After May 1, 1946, the present Protocol shall be open to accession by any Government which is a party to the 1944 Convention and is not a signatory to the present Protocol. Each accession shall be notified in writing to the Government of the United States of America.

Accessions notified on or before the date on which the present Protocol enters into force shall be effective as of that date. Accessions notified after the date of the entry into force of the present Protocol shall become effective in respect of each Government upon the date of the receipt of that Government's notification of accession.

In witness whereof, the undersigned Plenipotentiaries sign, the present Protocol, on the date indicated opposite their respective signatures, in the English and French languages, both texts being equally authentic, in a single original which shall be deposited in the archives of the Government of the United States of America and of which certified copies shall be furnished by the Government of the United States of America to each of the signatory and acceding Governments and to each of the Governments parties to the said 1944 Convention or the said 1926 Convention.

Done at Washington this twenty-third day of April 1946.

For New Zealand: C. A. Berendsen, April 23, 1946.

For Belgium (sous réserve de ratification): Silvercruys, April 24, 1946.

For Canada: Lester B. Pearson, April 25, 1946.

For Nicaragua: Alberto Sevilla Sacasa, April 26, 1946.

For the United Kingdom of Great Britain and Northern Ireland: Halifax, April 29, 1946.

For the United States of America (subject to ratification): Dean Acheson, April 30, 1946.

For Greece: P. Economou-Gouras, April 30, 1946.

For China: Wei Tao-Ming, April 30, 1946.

For Luxembourg: Hugues le Gallais, April 30, 1946.

For Ecuador (subject to ratification): L. N. Ponce, April 30, 1946.

For Australia (subject to the reservations with which Australia acceded to the 1944 Convention to which this Protocol relates): J. B. Brigden, April 30, 1946.

For Haiti: Dantès Bellegarde, April 30, 1946.

For France: H. Bonnet, April 30, 1946.

I certify that the foregoing is a true copy of the Protocol to Prolong the International Sanitary Convention, 1944 Modifying the International Sanitary Convention of June 21, 1926, which was open for signature in the English and French languages at Washington, D. C., from April 23, 1946 until May 1, 1946, the signed original of which is deposited in the archives of the Government of the United States of America.

In testimony whereof, I, Dean Acheson, Acting Secretary of State of the United States of America, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Acting Authentication Officer of the said Department, at the City of Washington, in the District of Columbia, this sixth day of May 1946.

[SEAL] DEAN ACHESON,
Acting Secretary of State.
By EDRIE C. WAY,
Acting Authentication Officer, Department of State.

PROTOCOL TO PROLONG THE INTERNATIONAL SANITARY CONVENTION FOR AERIAL NAVIGATION, 1944, MODIFYING THE INTERNATIONAL SANITARY CONVENTION FOR AERIAL NAVIGATION OF APRIL 12, 1933

The Governments signatory to the present Protocol,

Considering that, unless prolonged in force by action taken for that purpose by the interested Governments, the International Sanitary Convention for Aerial Navigation, 1944, Modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933, will expire on July 15, 1946, the expiration of eighteen months from the date on which the said 1944 Convention entered into force; and

Considering that it is desirable that the said 1944 Convention shall be prolonged in force after July 15, 1946, between the Governments parties thereto;

Have appointed their respective Plenipotentiaries who, having deposited their full powers, found in good and proper form, have agreed as follows:

ARTICLE I

Subject to the limitation provided for in Article II of the present Protocol, the International Sanitary Convention for Aerial Navigation, 1944, Modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933, shall be prolonged in force on and after July 15, 1946, in respect of each of the Governments parties to the present Protocol, until the date on which such Government shall become bound by a further Convention amending or superseding the said

1944 Convention and the said 1933 Convention.

ARTICLE II

The United Nations Relief and Rehabilitation Administration (hereinafter referred to as UNRRA) shall continue to perform the duties and functions assigned to it by the said 1944 Convention, as prolonged by the present Protocol, until such time as a new International Health Organization shall be established, at which time such duties and functions shall be transferred to and shall be assumed by such new International Health Organization, provided that if the new International Health Organization has not been formed or, having been formed, is unable to perform the above duties and functions by the date on which UNRRA, owing to the termination of its activities in Europe or for any other reason, ceases to be able to perform them, those duties and functions shall be entrusted to the Office International d'Hygiene Publique and the countries signatory to this Protocol will, in that event, make appropriate financial provisions so as to enable the Office to perform those duties and functions.

ARTICLE III

The present Protocol shall remain open for signature until May 1, 1946.

ARTICLE IV

The present Protocol shall come into force when it has been signed without reservation in regard to ratification, or instruments of ratification have been deposited or notifications of accession have been received on behalf of at least ten Governments. The present Protocol shall come into force in respect of each of the other signatory Governments on the date of signature on its behalf, unless such signature is made with a reservation in regard to ratification, in which event the present Protocol shall come into force in respect of such Government on the date of the deposit of its instrument of ratification.

ARTICLE V

After May 1, 1946, the present Protocol shall be open to accession by any Government which is a party to the 1944 Convention and is not a signatory to the present Protocol. Each accession shall be notified in writing to the Government of the United States of America.

Accessions notified on or before the date on which the present Protocol enters into force shall be effective as of that date. Accessions notified after the date of the entry into force of the present Protocol shall become effective in respect of each Government upon the date of the receipt of that Government's notification of accession.

In witness whereof, the undersigned Plenipotentiaries sign the present Protocol, on the date indicated opposite their respective signatures, in the English and French languages, both texts being equally authentic, in a single original which shall be deposited in the archives of the Government of the United States of America and of which certified copies shall be furnished by the Government of the United States of America to each of the signatory and acceding Governments and to each of the Governments parties to the said 1944 Convention or the said 1933 Convention.

Done at Washington this twenty-third day of April 1946.

For New Zealand: C. A. Berendsen, April 23, 1946.

For Belgium (sous réserve de ratification): Silvercruys, April 24, 1946.

For Canada: Lester B. Pearson, April 25, 1946.

For Nicaragua: Alberto Sevilla Sacasa, April 26, 1946.

For the United Kingdom of Great Britain and Northern Ireland: Halifax, April 29, 1946.

For the United States of America (subject to ratification): Dean Acheson, April 30, 1946.

For Greece: P. Economou-Gouras, April 30, 1946.

For China: Wei Tao-ming, April 30, 1946.

For Luxembourg: Hugues Le Gallais, April 30, 1946.

For Ecuador (subject to ratification): L. N. Ponce, April 30, 1946.

For Australia (subject to the reservations with which Australia acceded to the 1944 Convention to which this Protocol relates): J. B. Brigden, April 30, 1946.

For Haiti: Dantès Bellegarde, April 30, 1946.

For France: H. Bonnet, April 30, 1946.

I certify that the foregoing is a true copy of the Protocol to Prolong the International Sanitary Convention for Aerial Navigation, 1944, Modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933, which was open for signature in the English and French languages at Washington, D. C., from April 23, 1946, until May 1, 1946, the signed original of which is deposited in the archives of the Government of the United States of America.

In testimony whereof, I, Dean Acheson, Acting Secretary of State of the United States of America, having hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Acting Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this sixth day of May 1946.

[SEAL] DEAN ACHESON,
Acting Secretary of State.
By EDRIE C. WAY,
Acting Authentication Officer, Department of State.

MEMORANDUM SETTING FORTH THE RESERVATIONS WITH WHICH AUSTRALIA ACCEDED TO THE 1944 SANITARY CONVENTIONS

The accession of the Australian Government to the 1944 Sanitary Conventions was subject to the following reservations:

(1) As regards the International Sanitary Convention, 1944:

"(a) Under Article No. 24 the Australian Government declares that the Convention does not apply to the Territories of Papua and Norfolk Islands or the Mandated Territories of New Guinea and Nauru.

"(b) The Australian Government reserves the right in respect of certificates of inoculation against cholera, typhus, yellow fever and certificates of vaccination against smallpox, to accept only those certificates which are signed by a recognized official of the Public Health Services of the country concerned, and which carry within the text of the certificate an intimation of the office occupied by the person signing the certificate.

"(c) The Australian Government reserves full rights under Articles Nos. 7 and 9 of the 1926 Convention, especially with reference to the last paragraph on the reestablishment of the Eastern Bureau or analogous agencies as regional bureaux for Asia or the Pacific zone."

(2) As regards the International Sanitary Convention for Aerial Navigation, 1944:

"(a) Pursuant to Article No. 21, the Government declares that the Convention does not apply to the Territories of Papua and Norfolk Islands or the Mandated Territories of New Guinea and Nauru.

"(b) The Australian Government reserves the right in respect of certificates of inoculation against cholera, typhus, yellow fever and certificates of vaccination against smallpox, to accept only those certificates which are signed by a recognized official of the Public Health Services of the country concerned, and which carry within the text of the certificate an intimation of the office occupied by the person signing the certificate.

"(c) The Australian Government, for temporary reasons of a practical nature, is not in a position to accept the full obligations arising out of Section 1, Part 1 of the 1933 Convention in relation to aerodromes within its territory which are within operational areas or under the control of the Air Forces of the Commonwealth or any Allied power.

"(d) Notwithstanding Article No. 35 or other provisions of the 1933 or the present Convention, the Australian Government reserves the right to require that every member of the crew and every passenger on every aircraft arriving from overseas shall, on arrival at the first landing place in Australia, produce to the quarantine officer there a certificate of recent vaccination against smallpox as defined in the Convention, or a certificate that he has given proof that he is adequately immune to smallpox, failing both of which certificates he shall submit to be vaccinated against smallpox.

"(e) The Australian Government reserves the right to prohibit the importation into Australia on any aircraft of any animal other than approved insects and parasites."

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

NOMINATIONS PASSED OVER

Mr. BARKLEY. Mr. President, at the request of interested Senators I ask that the first two nominations on the calendar be passed over again.

The PRESIGING OFFICER. Without objection, it is so ordered.

UNITED STATES ATTORNEYS

The legislative clerk read the nomination of Powless W. Lanier to be United States attorney for the district of North Dakota.

Mr. LANGER. I ask that the nomination of Mr. Lanier to be United States attorney for the district of North Dakota be confirmed.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Philip F. Herrick to be United States attorney for the district of Puerto Rico.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES MARSHAL

The legislative clerk read the nomination of Maurice T. Smith to be United States marshal for the district of Colorado.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES PUBLIC HEALTH SERVICE

The legislative clerk read the nomination of Ralph Porges to be temporary sanitary engineer in the United States Public Health Service.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

Mr. WALSH. I ask that the nominations in the Marine Corps be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Marine Corps are confirmed en bloc.

That completes the calendar.

Mr. BARKLEY. I ask that the President be immediately notified of all nominations confirmed this day.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith

RECONSIDERATION OF CONFIRMATION OF NOMINATION OF RICHARD B. McENTIRE, OF KANSAS, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION

Mr. WAGNER. Mr. President, I desire to withdraw the motion which I entered on May 27, 1946, to reconsider the vote by which the Senate, on last Saturday, confirmed the nomination of Richard B. McEntire, of Kansas, to be a member of the Securities and Exchange Commission.

The PRESIDING OFFICER. Without objection, the motion to reconsider will be withdrawn.

RECESS TO FRIDAY

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 11 o'clock a. m. on Friday next.

The motion was agreed to; and (at 5 o'clock and 32 minutes p. m.) the Senate took a recess until Friday, May 31, 1946, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate May 29 (legislative day of March 5), 1946:

FARM CREDIT ADMINISTRATION

Ivy W. Duggan, of Mississippi, to be Governor of the Farm Credit Administration for a term of 6 years from June 15, 1946. (Reappointment.)

FEDERAL HOUSING ADMINISTRATION

Raymond Michael Foley, of Michigan, to be Federal Housing Administrator in the National Housing Agency for a term of 4 years from June 30, 1946. (Reappointment.)

ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS

REPRESENTATIVE, COMMISSION ON NARCOTIC DRUGS

Harry J. Anslinger, of Pennsylvania, to be the United States Representative in the Commission on Narcotic Drugs of the Economic and Social Council of the United Nations.

THE TAX COURT OF THE UNITED STATES

Clarence P. LeMire, of Missouri, to be a judge of The Tax Court of the United States for a term of 12 years from June 2, 1946.

IN THE NAVY

Assistant Paymaster William P. Ferguson, United States Navy, to be an ensign in the Navy.

The following-named officers of the line of the Navy to be assistant paymasters in the Navy with the rank of lieutenant (junior grade):

William J. Bush
James H. Elsom

The following-named officers of the line of the Navy to be assistant paymasters in the Navy with the rank of ensign:

Thomas C. Cain, Jr.
William C. Croft
Joseph A. Fernald
John W. Hirst
Frank H. McDonald

The following-named officers of the Naval Reserve to be ensigns in the Navy:

William L. Landreth
Charles F. Weiss

POSTMASTERS

The following-named persons to be postmasters:

ARKANSAS

Lennie L. Potter, Dell, Ark., in place of L. B. Gill, resigned.

Henry Clay Cottrell, Dyer, Ark. Office became Presidential July 1, 1945.

CALIFORNIA

Gertrude S. Downs, Buellton, Calif., in place of William Budd, retired.

CONNECTICUT

Bernard O. Bailey, Glastonbury, Conn., in place of H. W. Potter, retired.

FLORIDA

Edna T. Jones, Pelican Lake, Fla. Office became Presidential October 1, 1944.

GEORGIA

Mary R. King, Winston, Ga., in place of C. J. Hall, transferred.

ILLINOIS

Robert M. Coleman, Milledgeville, Ill., in place of M. E. Brand, resigned.

Hugh W. Hamilton, Yale, Ill. Office became Presidental July 1, 1945.

IOWA

Harvey H. Douglass, Postville, Iowa, in place of Boies Capper, resigned.

KANSAS

William Campbell, Mullinville, Kans., in place of A. M. Bryan, retired.

Ruth B. Dunlap, Rose Hill, Kans. Office became Presidential July 1, 1945.

KENTUCKY

Homer Erwin Davis, Columbus, Ky., in place of N. M. Medley, transferred.

John T. Bradley, Kettle Island, Ky. Office became Presidential July 1, 1945.

MARYLAND

Joseph E. Nolan, Kingsville, Md., in place of E. C. Green, resigned.

MASSACHUSETTS

Lawrence L. Carpenter, Foxboro, Mass., in place of W. J. O'Connor, retired.

Edward G. Perry, Teaticket, Mass., in place of R. F. Manley, transferred.

MICHIGAN

Samuel J. Leach, Hersey, Mich. Office became Presidential July 1, 1945.

MISSISSIPPI

Ione T. Burns, Weathersby, Miss. Office became Presidential July 1, 1945.

MISSOURI

George T. Carter, Moscow Mills, Mo., in place of A. A. Weitkamp, transferred.

NEW JERSEY

Edward Praiss, Camden, N. J., in place of E. E. Hyland, resigned.

George M. Beaman, Keansburg, N. J., in place of G. M. Beaman, commission expired.

Louella Lockwood, Oceanport, N. J., in place of Mildred Mullen, deceased.

NEW YORK

Susan H. Dye, Boston, N. Y. Office became Presidential July 1, 1944.

Stanley E. Zaremba, Herring, N. Y., in place of L. W. Cain, removed.

Romeyn S. Dunn, Scottsville, N. Y., in place of J. E. McVean, transferred.

NORTH CAROLINA

Joe R. Johnson, Toecane, N. C., in place of J. T. Johnson, retired.

OREGON

Maude B. Thames, Oswego, Oreg., in place of R. C. Cooke, resigned.

TENNESSEE

William J. Collins, Elora, Tenn., in place of J. A. Pylant, retired.

TEXAS

Harvey F. Shuler, Snyder, Tex., in place of B. W. Dodson, transferred.

WEST VIRGINIA

Velva A. Pelter, Sharples, W. Va., in place of C. C. Hunley, resigned.

WISCONSIN

George Pudas, Iron River, Wis., in place of J. G. A. Mollenhoff, retired.

WYOMING

Lee Waddell, Moorcroft, Wyo., in place of R. W. Macy, transferred.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 29 (legislative day of March 5), 1946:

UNITED STATES ATTORNEYS

Powless W. Lanier to be United States attorney for the district of North Dakota.

Philip F. Herrick to be United States attorney for the district of Puerto Rico.

UNITED STATES MARSHAL

Maurice T. Smith to be United States marshal for the district of Colorado.

UNITED STATES PUBLIC HEALTH SERVICE

PROMOTION IN THE REGULAR CORPS

Ralph Porges to be temporary sanitary engineer.

IN THE MARINE CORPS

The following-named officers for appointment in the United States Marine Corps.

(The nominations of James J. Keating et al., which were received by the Senate on May 24, 1946, and which appear in full in the Senate proceedings of the CONGRESSIONAL RECORD for May 24, 1946, under the caption "Nominations," beginning with the name of James J. Keating on p. 5637 and ending with the name of Robert "J" Zitnik on p. 5640.)

POSTMASTERS

CALIFORNIA

Loraine J. Grisingher, Arroyo Grande.
Stella C. Slack, Boron.
Robert F. Keefe, Folsom.
Eunice E. Fowler, Ridgecrest.

GEORGIA

Margaret W. Overby, Richland.

INDIANA

Richard C. Beck, Griffith.
June Roberts, Owensburg.
Clyde Brooks, Pleasant Lake.

IOWA

James F. Thompson, Whitten.

LOUISIANA

Alma L. Guillot, Goodhope.

MARYLAND

Edith W. Dewey, Elk Mills.

MISSOURI

Rosetta M. Lauck, Napoleon.
Clyde D. Myers, Newark.
Vernon V. Reynolds, Pomona.

NEW MEXICO

Faustina Santillanes, Alameda.

NORTH CAROLINA

Ralph Wade, Dunn.
Robert L. Pitts, Sr., Spring Hope.

NORTH DAKOTA

Walter Emil Poulsen, Stanley.
Kathryn L. Gallagher, Taylor.

OKLAHOMA

Johnnie Y. Elmore, Alma.

OREGON

Anna C. Allen, Elgin.
Hugh T. Smith, Forest Grove.
Parthena S. Terrill, Talent.

PENNSYLVANIA

Norma D. Mashey, Bradfordwoods.
Margaret A. Haggerty, Crabtree.
Stephen P. Veoni, Dagus Mines.
John O. Anderson, Delta.
John William Conway, Grassflat.
Gertrude C. Miller, Millerton.
Robert S. Fenyus, Phoenixville.
James Treemarcki, Pittock.

RHODE ISLAND

Raymond A. Creegan, Providence.

VIRGINIA

Rita S. Wallace, Buckroe Beach.
Ellen L. Peyton, Rapidan.

WEST VIRGINIA

Kermit Gress, New Haven.

WISCONSIN

William L. Edwards, Avalon.
Herman E. Beckman, Merton.
Mabel Janssen, Underhill.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MAY 29, 1946

The House met at 11 o'clock a. m.

The Right Reverend Monsignor William A. Toolen, St. Edward's Church, Baltimore, Md., offered the following prayer:

Sweet Saviour, redeemer of the human race, we humbly implore the light of Thy divine wisdom to direct the proceedings and deliberations of this august assembly.

We are conscious of the strife and confusion that exists in the prevailing conditions of the world at present and acknowledge our absolute dependence on Thee for a satisfactory and amicable adjustment of these perplexing problems.

We render Thee profound gratitude for all the benefits that Thou hast bestowed and dost unceasingly bestow upon us as a Nation.

We invoke Thy holy spirit of counsel and fortitude to give us the necessary light and courage to discharge all our duties in a manner that will be pleasing to Thee and bring peace and prosperity to our beloved country and perpetuate to us the blessings of equal liberty.

May our understanding be always submissive to Thy heavenly inspirations.

May our hearts be ever inflamed with love of Thee and of our neighbor.

May our will be ever conformed to the divine will.

May our whole life be a faithful imitation of the life and virtues of our Lord and Saviour, Jesus Christ, to whom with the Father and the Holy Ghost be honor and glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. LANE asked and was given permission to extend his remarks in the RECORD and include an editorial appearing in the Evening Tribune, Lawrence, Mass.

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. ANGELL asked and was given permission to extend his remarks in the RECORD and include excerpts.

Mr. REED of New York asked and was given permission to extend his remarks in the RECORD in two instances, and to include in each quotations and excerpts.

Mr. MILLER of Nebraska asked and was given permission to extend his remarks in the RECORD in two instances, in one to include the subject matter of a bill entitled "Abolish the OPA" and in the other an address delivered by Mr. Warne, Assistant Reclamation Commissioner, in Omaha, recently.

PERMISSION TO ADDRESS THE HOUSE

Mr. MURRAY of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include a resolution adopted by the Wisconsin Implement Dealers' Association.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

[Mr. MURRAY of Wisconsin addressed the House. His remarks appear in the Appendix.]

Mr. LANDIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include brief excerpts from letters.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

[Mr. LANDIS addressed the House. His remarks appear in the Appendix.]

LABOR RACKETEERS

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GROSS. Mr. Speaker, a lot of people are asking "Where do some of the labor organizations get the millions of dollars which they say they are going to spend to defeat 100 Members of Congress and thus set up a labor government?" Here is the answer: A tradesman writes me that he took a job recently. After taking the job he was asked by a union representative about his hours and wages; he was then ordered to the union office, and there he was told he could not work unless he joined the union. Now, he could keep on working provided he joined the organization by paying $137.50 to join and $3 a month dues. He was told they would give him a break—he could work 2 weeks to see that the job was secure. Two weeks later they told him he could now join but the fee was now $150, and for that amount he could keep on working. I am convinced that the only people that refuse any worker the right to work are the labor racketeers.

REPUBLICAN CONGRESSIONAL FOOD STUDY COMMITTEE

Mr. JENKINS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JENKINS. Mr. Speaker, yesterday the Republican Congressional Food Study Committee released some figures that are very interesting and apparently have attracted a great deal of attention. They deal with the difference in the cost of food in Washington in April of this year as against April of 1939 These figures disprove the assertions frequently made by OPA officials that they have held the line. The cry "hold the line" has been very deceptive. In addition to the fact that the figures show that the line has not been held we must not forget that the commodities sold in these days are sold with little consideration given to quality. Formerly quality was almost as important as price. But now price is about the only consideration .

We also put out some very interesting figures with reference to fertilizer. These figures apply to the whole country. By that I mean that these figures are not local but they apply country wide.

PERMISSION TO ADDRESS THE HOUSE

Mr. CLEVENGER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

[Mr. CLEVENGER addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. BUFFETT asked and was given permission to extend his remarks in the RECORD and include some newspaper material.

Mr. ELLIS asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. REECE of Tennessee (at the request of Mr. MARTIN of Massachusetts) was given permission to extend his remarks in the RECORD and include an article on the one hundred and fiftieth anniversary of the admission of Tennessee into the Union.

Mr. HOFFMAN asked and was given permission to extend his remarks in the RECORD on two subjects.

Mr. HESELTON asked and was given permission to extend his remarks in the RECORD and include a statement issued by the Production and Marketing Administration of the Department of Agriculture with reference to the program to furnish feed grains to deficit areas.

SPECIAL ORDER GRANTED

Mr. BUFFETT. Mr. Speaker, I ask unanimous consent that on Monday next, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 45 minutes.